United Nations A/59/L.20

General Assembly

Distr.: Limited
4 November 2004
English
Original: Spanish

Fifty-ninth session
Agenda item 161
Andean Zone of Peace

Bolivia, Colombia, Ecuador, Peru and Venezuela: draft resolution

Andean Zone of Peace

The General Assembly,

Aware of the determination of the peoples of the States that comprise the Andean Community to preserve their independence, sovereignty and territorial integrity, promote peaceful coexistence in the Andean region and develop their relations in conditions of peace, self-determination and freedom,

Bearing in mind the commitment of the peoples of the States that comprise the Andean Community to promote political, economic, social and cultural integration and cooperation in order to contribute to the sustainable long-term peace, security and balanced and harmonious development of the Andean region,

Recalling its resolution 58/317 of 5 August 2004 that reaffirmed the central role of the United Nations in the maintenance of international peace and security and the promotion of international cooperation,

Recognizing the Declaration of San Francisco de Quito on the Establishment and Development of the Andean Zone of Peace, adopted in Quito, on 12 July 2004 by the Heads of State of the member countries of the Andean Community within the framework of the fifteenth Meeting of the Andean Presidential Council, for the purpose of establishing a zone of peace within the geographic area comprising the territories, airspace and waters under the sovereignty and jurisdiction of Bolivia, Colombia, Ecuador, Peru and Venezuela, as a zone free of nuclear, chemical and biological weapons as well as anti-personnel mines, in which the necessary conditions will be developed to permit the peaceful and agreed solution of conflicts of any nature whatsoever, as well as the causes thereof,

Noting with satisfaction that the Andean Zone of Peace is based on the responsible exercise by citizens of democratic values, principles and practices, the rule of law, human rights, social justice, human development, poverty eradication, social exclusion and inequity, national sovereignty and non-interference in internal affairs, as well as on Andean identity, the promotion of relations of friendship and cooperation for all-round development, the culture of peace, as well as joint efforts

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to prevent and counteract both conventional and new threats to security, and the joint quest for a fairer and more equitable international order,

Stressing that the Andean Zone of Peace represents a continuous and participatory effort of the peoples of the States that comprise the Andean Community aimed at promoting growing commonality between Governments, public opinion, political parties and civil society, with regard to widely shared objectives and values,

Further stressing the progress achieved by the States that comprise the Andean Community in matters of security, peace and confidence-building on the basis of a democratic and non-offensive conception of external security through the adoption of decision 587 containing the "Andean Common External Security Policy Guidelines" in July 2004, as well as of other Andean norms to promote cooperation and coordination of initiatives for fostering efforts to combat the global problem of drugs and associated crimes, and to prevent, combat and eradicate the illicit trade in small arms and light weapons in all is aspects,

Noting that decision 552, entitled "Andean plan to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects", adopted in June 2003 is the first binding subregional instrument derived from the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All its Aspects[1] adopted in 2001,

Considering that peace, security and mutual trust are essential requirements for achieving the sustainable and long-term political, economic, social and cultural development of their peoples,

Persuaded of the need to contribute to the maintenance of the Andean Community as a region free of weapons of mass destruction — nuclear, chemical, biological and toxic — as well as the definitive eradication of anti-personnel mines,

Recognizing the importance of promoting peace, security and cooperation in the Andean Community for the benefit of the entire human race, including of its peoples,

Convinced that the establishment of the Andean Zone of Peace will contribute considerably to the strengthening of international peace, security and trust, as well as to the promotion of the principles and purposes on which the Charter of the United Nations and international law are based,

1. *Welcomes with particular satisfaction* the declaration of the Andean region, particularly the geographic area comprising the territories, airspace and waters under the sovereignty and jurisdiction of the States that comprise the Andean Community, as Andean Zone of Peace;

2. *Calls upon* all States to cooperate with the States that comprise the Andean Community in promoting the principles and purposes provided for by the Declaration of San Francisco de Quito on the Establishment and Development of the Andean Zone of Peace;

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[1] See *Report on the United Nations Conference on the Illicit Traffic in Small Arms and Light Weapons in All its Aspects, New York, 9 to 20 July 2001* (A/CONF.192/15 and Corr.1), chap. IV, para. 24.

3. *Encourages* the States that comprise the Andean Community to make every effort to ensure the early fulfilment of the commitments arising from that Declaration.

United Nations A/59/L.21

General Assembly

Distr.: Limited
4 November 2004

Original: English

Fifty-ninth session
Agenda item 35
Culture of peace

Afghanistan, Azerbaijan, Bahamas, Bangladesh, Barbados, Belarus, Belize, Benin, Burkina Faso, Cambodia, Cameroon, Chile, Colombia, Costa Rica, Cuba, Democratic Republic of the Congo, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gambia, Guatemala, Haiti, Jamaica, Kazakhstan, Kenya, Kuwait, Malawi, Mauritius, Mongolia, Namibia, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Philippines, Qatar, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Senegal, Sudan, Swaziland, Thailand, Timor-Leste, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela and Viet Nam: draft resolution

International Decade for a Culture of Peace and Non-Violence for the Children of the World, 2001-2010

The General Assembly,

Bearing in mind the Charter of the United Nations, including the purposes and principles contained therein, and especially the dedication to saving succeeding generations from the scourge of war,

Recalling the Constitution of the United Nations Educational, Scientific and Cultural Organization, which states that, "since wars begin in the minds of men, it is in the minds of men that the defences of peace must be constructed",

Recalling also its previous resolutions on a culture of peace, in particular resolution 52/15 of 20 November 1997 proclaiming 2000 as the International Year for the Culture of Peace, resolution 53/25 of 10 November 1998 proclaiming the period 2001-2010 as the International Decade for a Culture of Peace and Non-Violence for the Children of the World, resolution 56/5 of 5 November 2001, resolution 57/6 of 4 November 2002 and resolution 58/11 of 10 November 2003,

Reaffirming the Declaration[1] and Programme of Action[2] on a Culture of Peace, recognizing that they serve, inter alia, as the basis for the observance of the Decade, and convinced that the effective and successful observance of the Decade

[1] Resolution 53/243 A.
[2] Resolution 53/243 B.

throughout the world will promote a culture of peace and non-violence that benefits humanity, in particular future generations,

Recalling the United Nations Millennium Declaration,[3] which calls for the active promotion of a culture of peace,

Taking note of Commission on Human Rights resolution 2000/66 of 26 April 2000, entitled "Towards a culture of peace",[4]

Taking note also of the report of the Secretary-General on the International Decade for a Culture of Peace and Non-Violence for the Children of the World,[5] including paragraph 28 thereof, which indicates that each of the ten years of the Decade will be marked with a different priority theme related to the Programme of Action,

Noting the relevance of the World Summit on Sustainable Development, held in Johannesburg, South Africa, from 26 August to 4 September 2002, the International Conference on Financing for Development, held in Monterrey, Mexico, from 18 to 22 March 2002, the special session of the General Assembly on children, held in New York from 8 to 10 May 2002, the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, from 31 August to 7 September 2001, and the United Nations Decade for Human Rights Education, 1995-2004, for the International Decade for a Culture of Peace and Non-Violence for the Children of the World, 2001-2010, as well as the need to implement, as appropriate, the relevant decisions agreed upon therein,

Recognizing that all efforts made by the United Nations system in general and the international community at large for peacekeeping, peace-building, the prevention of conflicts, disarmament, sustainable development, the promotion of human dignity and human rights, democracy, the rule of law, good governance and gender equality at the national and international levels contribute greatly to the culture of peace,

Noting that its resolution 57/337 of 3 July 2003 on the prevention of armed conflict could contribute to the further promotion of a culture of peace,

Taking into account the "Manifesto 2000" initiative of the United Nations Educational, Scientific and Cultural Organization promoting a culture of peace, which has so far received over seventy-five million signatures of endorsement throughout the world,

Taking note with appreciation of the report of the Director-General of the United Nations Educational, Scientific and Cultural Organization on the implementation of General Assembly resolution 58/11,[6]

1. *Reiterates* that the objective of the International Decade for a Culture of Peace and Non-Violence for the Children of the World, 2001-2010, is to strengthen

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[3] See resolution 55/2.

[4] See *Official Records of the Economic and Social Council, 2000, Supplement No. 3* and corrigendum (E/2000/23 and Corr.1), chap. II, sect. A.

[5] A/56/349.

[6] See A/59/223.

further the global movement for a culture of peace following the observance of the International Year for the Culture of Peace in 2000;

2. *Invites* Member States to continue to place greater emphasis on and expand their activities promoting a culture of peace and non-violence, in particular during the Decade, at the national, regional and international levels and to ensure that peace and non-violence are fostered at all levels;

3. *Commends* the United Nations Educational, Scientific and Cultural Organization for recognizing the promotion of a culture of peace as the expression of its fundamental mandate, and encourages it, as the lead agency for the Decade, to strengthen further the activities it has undertaken for promoting a culture of peace, including the dissemination of the Declaration[1] and Programme of Action[2] on a Culture of Peace and related materials in various languages across the world;

4. *Also commends* the relevant United Nations bodies, in particular the United Nations Children's Fund, the United Nations Development Fund for Women and the University for Peace, for their activities in further promoting a culture of peace and non-violence, including the promotion of peace education and activities related to specific areas identified in the Programme of Action on a Culture of Peace, and encourages them to continue and further strengthen and expand their efforts;

5. *Encourages* the appropriate authorities to provide education, in children's schools, that includes lessons in mutual understanding, tolerance, active citizenship, human rights and the promotion of a culture of peace;

6. *Encourages* civil society, including non-governmental organizations, to strengthen its efforts in furtherance of the objectives of the Decade, inter alia, by adopting its own programme of activities to complement the initiatives of Member States, the organizations of the United Nations system and other international and regional organizations;

7. *Encourages* the involvement of the mass media in education for a culture of peace and non-violence, with particular regard to children and young people, including through the planned expansion of the Culture of Peace News Network as a global network of Internet sites in many languages;

8. *Welcomes* the efforts made by the United Nations Educational, Scientific and Cultural Organization to continue the communication and networking arrangements established during the International Year for providing an instant update of developments related to the observance of the Decade;

9. *Invites* Member States to observe 21 September each year as the International Day of Peace, as a day of global ceasefire and non-violence, in accordance with General Assembly resolution 55/282 of 7 September 2001;

10. *Invites* Member States as well as civil society, including non-governmental organizations, to provide information to the Secretary-General on the observance of the Decade and the activities undertaken to promote a culture of peace and non-violence;

11. *Emphasizes* the significance of the plenary meetings on the item planned for its sixtieth session,[7] and in that regard encourages participation at a high level, and decides to consider, at an appropriate time, the possibility of organizing those meetings as close as possible to the general debate;

12. *Requests* the Secretary-General to submit to the General Assembly at its sixtieth session a report on the implementation of the present resolution;

13. *Decides* to include in the provisional agenda of its sixtieth session the item entitled "Culture of peace".

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[7] See resolution 55/47, para. 13.

United Nations A/59/L.22

General Assembly

Distr.: Limited
5 November 2004

Original: English

Fifty-ninth session
Agenda item 49 (a)
Oceans and the law of the sea: oceans and the law of the sea

Brazil, Canada, Cyprus, Denmark, Fiji, Iceland, Ireland, Marshall Islands, Mexico, Monaco, Namibia, Netherlands, New Zealand, Norway, Portugal, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

Oceans and the law of the sea

The General Assembly,

Recalling its resolutions 49/28 of 6 December 1994, 52/26 of 26 November 1997, 54/33 of 24 November 1999, 57/141 of 12 December 2002, 58/240 of 23 December 2003 and other relevant resolutions adopted subsequent to the entry into force of the United Nations Convention on the Law of the Sea ("the Convention")[1] on 16 November 1994,

Emphasizing the universal and unified character of the Convention and its fundamental importance for the maintenance and strengthening of international peace and security, as well as for the sustainable development of the oceans and seas,

Reaffirming that the Convention sets out the legal framework within which all activities in the oceans and seas must be carried out and is of strategic importance as the basis for national, regional and global action and cooperation in the marine sector, and that its integrity needs to be maintained, as recognized also by the United Nations Conference on Environment and Development in chapter 17 of Agenda 21,[2]

Noting with satisfaction the tenth anniversary of the entry into force of the Convention on 16 November 2004, and recognizing the pre-eminent contribution

[1] See *The Law of the Sea: Official Texts of the United Nations Convention on the Law of the Sea of 10 December 1982 and of the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 with Index and Excerpts from the Final Act of the Third United Nations Conference on the Law of the Sea* (United Nations publication, Sales No. E.97.V.10).

[2] *Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992* (United Nations publication, Sales No. E.93.I.8 and corrigenda), vol. I: *Resolutions adopted by the Conference*, resolution 1, annex II.

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provided by the Convention to the strengthening of peace, security, cooperation and friendly relations among all nations in conformity with the principles of justice and equal rights and to the promotion of the economic and social advancement of all peoples of the world, in accordance with the purposes and principles of the United Nations as set forth in the Charter,

Conscious that the problems of ocean space are closely interrelated and need to be considered as a whole through an integrated, interdisciplinary and intersectoral approach,

Reaffirming the need to improve cooperation and coordination at all levels, in accordance with the Convention, in order to address all aspects of oceans and seas in an integrated manner and to promote the integrated management and sustainable development of the oceans and seas,

Recalling the essential role of international cooperation and coordination at all levels to support and supplement the efforts of each State in promoting the implementation and observance of the Convention, including the integrated management and sustainable development of coastal and marine areas,

Reiterating the essential need for capacity-building to ensure that all States, especially developing countries, in particular least developed countries and small island developing States, as well as coastal African States, are able both to implement the Convention and to benefit from the sustainable development of the oceans and seas, as well as to participate fully in global and regional forums and processes dealing with oceans and law of the sea issues,

Recognizing the important role that the competent international organizations have in relation to ocean affairs, in implementing the Convention and in promoting the sustainable development of the oceans and seas,

Emphasizing the need to strengthen the ability of competent international organizations to contribute, at the global, regional, subregional and bilateral levels, through cooperation programmes with Governments, to the development of national capacity in marine science and the sustainable management of the oceans and their resources,

Recalling that marine science, by improving knowledge, through sustained research efforts and the evaluation of monitoring results, and applying such knowledge to management and decision-making, is important for eradicating poverty, contributing to food security, conserving the world's marine environment and resources, helping to understand, predict and respond to natural events and promoting the sustainable development of the oceans and seas,

Recalling its decision to establish a regular process under the United Nations for global reporting and assessment of the state of the marine environment, including socio-economic aspects, both current and foreseeable, building on existing regional assessments, in its resolutions 57/141 and 58/240, as recommended by the World Summit on Sustainable Development,[3] noting the work of the international workshop, held in conjunction with the fifth meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea ("the

[3] *Report of the World Summit on Sustainable Development, Johannesburg, South Africa, 26 August-4 September 2002* (United Nations publication, Sales No. E.03.II.A.1 and corrigendum), chap. I, resolution 2, annex, para. 36 (*b*).

Consultative Process") established by the General Assembly in its resolution 54/33 in order to facilitate the annual review by the Assembly of developments in ocean affairs and extended for three years by its resolution 57/141, held from 7 to 11 June 2004,[4] reaffirming its support for this objective and noting the need for cooperation among all States to this end,

Reiterating its concern at the adverse impacts on the marine environment and biodiversity, in particular on vulnerable marine ecosystems, including corals, of human activities, such as overutilization of living marine resources, the use of destructive practices, physical impacts by ships, the introduction of alien invasive species and marine pollution from all sources, including from land-based sources and vessels, in particular through the illegal release of oil and other harmful substances and from dumping, including the dumping of hazardous waste such as radioactive materials, nuclear waste and dangerous chemicals,

Recognizing that hydrographic surveys and nautical charting are critical to the safety of navigation and life at sea, environmental protection, including vulnerable marine ecosystems and the economics of the global shipping industry, and recognizing in this regard that the move towards electronic charting not only provides significantly increased benefits for safe navigation and management of ship movement, but also provides data and information that can be used for sustainable fisheries activities and other sectoral uses of the marine environment, the delimitation of maritime boundaries and environmental protection,

Noting the important role of the Commission on the Limits of the Continental Shelf ("the Commission") in assisting States parties in the implementation of the Convention, through the examination of submissions by coastal States regarding the outer limits of the continental shelf beyond 200 nautical miles, and also noting the need to ensure the effective functioning of the Commission and its subcommissions, in particular the participation of the members of the Commission in its subcommissions,

Taking note of the report on the work of the fifth meeting of the Consultative Process,[5]

Taking note also of the report of the Secretary-General,[6] and emphasizing in this regard the critical role of the annual comprehensive report of the Secretary-General, which integrates information on developments relating to the implementation of the Convention and the work of the Organization, its specialized agencies and other institutions in the field of ocean affairs and the law of the sea at the global and regional levels, and as a result constitutes the basis for the annual consideration and review of developments relating to ocean affairs and the law of the sea by the General Assembly as the global institution having the competence to undertake such a review,

Noting the responsibilities of the Secretary-General under the Convention and related resolutions of the General Assembly, in particular resolutions 49/28, 52/26 and 54/33, and in this context the increase in responsibilities of the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs of the Secretariat, in particular in view of the growing involvement of the Division with

[4] See A/59/122.

[5] A/59/122.

[6] A/59/62 and Add.1.

new developments such as the regular process for the global reporting and assessment of the state of the marine environment, including socio-economic aspects, with increasing capacity-building activities, assistance to the Commission and the role of the Division in inter-agency coordination and cooperation,

Emphasizing that ships and watercraft of all descriptions and ages hold essential information on the history of humankind and that archaeological heritage is a non-renewable resource, deposited over thousands of years, but vulnerable to destruction through modern technologies,

I. Implementation of the Convention and related agreements and instruments

1. *Calls upon* all States that have not done so, in order to achieve the goal of universal participation, to become parties to the Convention,[1] and the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 ("the Agreement");[1]

2. *Reaffirms* the unified character of the Convention;

3. *Calls upon* all States that have not done so to become parties to the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks ("the Fish Stocks Agreement");[7]

4. *Once again calls upon* States to harmonize, as a matter of priority, their national legislation with the provisions of the Convention, to ensure the consistent application of those provisions and to ensure also that any declarations or statements that they have made or make when signing, ratifying or acceding to the Convention do not purport to exclude or to modify the legal effect of the provisions of the Convention in their application to the State concerned and to withdraw any such declarations or statements;

5. *Calls upon* States Parties to the Convention to deposit with the Secretary-General charts or lists of geographical coordinates, as provided for in the Convention;

6. *Requests* the Secretary-General to improve the existing Geographic Information System for the deposit by States of charts and geographical coordinates concerning maritime zones, including lines of delimitation, submitted in compliance with the Convention and to give due publicity thereto, in particular by implementing, in cooperation with relevant international organizations, such as the International Hydrographic Organization, the technical standards for the collection, storage and dissemination of the information deposited, in order to ensure compatibility between the geographic information system, electronic nautical charts and other systems developed by the relevant organizations;

7. *Urges* all States to cooperate, directly or through competent international bodies, in taking measures to protect and preserve objects of an archaeological and historical nature found at sea, in conformity with article 303 of the Convention;

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[7] *International Fisheries Instruments with Index* (United Nations publication, Sales No. E.98.V.11), sect. I; see also A/CONF.164/37.

II. Capacity-building

8. *Calls upon* bilateral and multilateral donor agencies and international financial institutions to keep their programmes systematically under review to ensure the availability in all States, particularly in developing States, of the economic, legal, navigational, scientific and technical skills necessary for the full implementation of the Convention and the objectives of the present resolution as well as the sustainable development of the oceans and seas nationally, regionally and globally, and in so doing to bear in mind the rights of landlocked developing States;

9. *Encourages* intensified efforts to build capacity for developing countries, in particular for the least developed countries and small island developing States, as well as coastal African States, to improve hydrographic services and the production of nautical charts, including the mobilization of resources and building of capacity with support from international financial institutions and the donor community, recognizing that economies of scale can apply in some instances at the regional level through shared facilities, technical capabilities and information for the provision of hydrographic services and the preparation of and access to nautical charts;

10. *Calls upon* States and international financial institutions, including through bilateral, regional and global cooperation programmes and technical partnerships, to continue to strengthen capacity-building activities, in particular in developing countries, in the field of marine scientific research by, inter alia, training the necessary skilled personnel, providing the necessary equipment, facilities and vessels and transferring environmentally sound technologies;

11. *Encourages* the Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization to continue to disseminate and implement the criteria and guidelines on the transfer of marine technology, approved by the Assembly of the Intergovernmental Oceanographic Commission at its twenty-second session in 2003;[8]

12. *Encourages* States to assist developing States, and especially the least developed States and small island developing States, as well as coastal African States, on a bilateral and, where appropriate, regional level, in the preparation of submissions to the Commission, including the assessment of the nature of the continental shelf of a coastal State made in the form of a desktop study and the mapping of the outer limits of its continental shelf;

III. Trust funds and fellowships

13. *Welcomes* recent capacity-building initiatives, and in this context takes note with satisfaction of the conclusion of an arrangement between the United Nations and the Food and Agriculture Organization of the United Nations regarding the administration of the assistance fund, established under part VII of the Fish Stocks Agreement and the conclusion of a capacity-building trust fund project agreement between the United Nations and the Nippon Foundation of Japan, focusing on human resources development for developing coastal States parties and

[8] Intergovernmental Oceanographic Commission, document IOC/XXII/2 Annex 12 rev.

non-Parties to the Convention in the field of ocean affairs and the law of the sea or related disciplines;

14. *Recognizes* the importance of assisting developing States, in particular the least developed States and small island developing States, in implementing the Convention, and urges States, intergovernmental organizations and agencies, national institutions, non-governmental organizations and international financial institutions, as well as natural and juridical persons, to make voluntary financial or other contributions to the trust funds, as referred to in resolution 57/141, established for this purpose;

15. *Also recognizes* the importance of the Hamilton Shirley Amerasinghe Memorial Fellowship Programme on the Law of the Sea established by the General Assembly in its resolution 35/116 of 10 December 1980, and urges Member States and others in a position to do so to contribute to the further development of that Fellowship Programme;

IV. Meeting of States Parties

16. *Takes note* of the report of the fourteenth Meeting of States Parties to the Convention;[9]

17. *Requests* the Secretary-General to convene the fifteenth Meeting of States Parties to the Convention in New York from 16 to 24 June 2005 and to provide the services required;

V. Settlement of disputes

18. *Notes with satisfaction* the continued and significant contribution of the International Tribunal for the Law of the Sea ("the Tribunal") to the peaceful settlement of disputes in accordance with Part XV of the Convention, and underlines the important role and authority of the Tribunal concerning the interpretation or application of the Convention and the Agreement;

19. *Equally pays tribute* to the important and long-standing role of the International Court of Justice with regard to the peaceful settlement of disputes concerning the law of the sea;

20. *Encourages* States parties to the Convention that have not yet done so to consider making a written declaration choosing from the means set out in article 287 of the Convention for the settlement of disputes concerning the interpretation or application of the Convention and the Agreement;

21. *Recalls* the obligation under article 296 of the Convention requiring all parties to a dispute before a court or a tribunal referred to in article 287 of the Convention to comply promptly with any decisions rendered by such court or tribunal;

22. *Encourages* States parties to the Convention that have not yet done so to nominate conciliators and arbitrators in accordance with annexes V and VII to the Convention, and requests the Secretary-General to continue to update and circulate lists of these conciliators and arbitrators on a regular basis;

[9] SPLOS/119 and Corr.1.

VI. The Area

23. *Notes with satisfaction* the progress of the discussions on issues relating to the regulations for prospecting and exploration for polymetallic sulphides and cobalt-rich ferromanganese crusts in the Area, and reiterates the importance of the ongoing elaboration by the International Seabed Authority ("the Authority"), pursuant to article 145 of the Convention, of rules, regulations and procedures to ensure the effective protection for the marine environment, the protection and conservation of the natural resources of the Area and the prevention of damage to its flora and fauna from harmful effects that may arise from activities in the Area;

24. *Takes note* of the workshop for the establishment of environmental baselines at deep seafloor cobalt-rich crusts and deep seabed polymetallic sulphide mine sites in the Area for the purpose of evaluating the likely effects of exploration and exploitation on the marine environment, held in Kingston from 6 to 10 September 2004;

VII. Effective functioning of the Authority and the Tribunal

25. *Appeals* to all States parties to the Convention to pay their assessed contributions to the Authority and to the Tribunal in full and on time;

26. *Calls upon* States that have not done so to consider ratifying or acceding to the Agreement on the Privileges and Immunities of the Tribunal[10] and to the Protocol on the Privileges and Immunities of the Authority;[11]

VIII. The continental shelf and the work of the Commission

27. *Encourages* States parties to the Convention that are in a position to do so to make every effort to make submissions to the Commission regarding the establishment of the outer limits of the continental shelf beyond 200 nautical miles within the time period established by the Convention, taking into account the decision of the eleventh Meeting of States Parties to the Convention;[12]

28. *Notes with satisfaction* the progress in the work of the Commission,[13] especially that the consideration of the first submissions of States parties regarding the establishment of the outer limits of the continental shelf beyond 200 nautical miles has begun, and that a number of States have advised of their intention to make submissions in the near future;

29. *Approves* the convening by the Secretary-General of the fifteenth session of the Commission in New York from 4 to 22 April 2005, and of the sixteenth session of the Commission from 29 August to 16 September 2005, on the understanding that the second and third weeks of each session will be used by the Commission for a technical examination of submissions at the Geographic Information System Laboratory and other technical facilities at the Division for Ocean Affairs and the Law of the Sea;

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[10] SPLOS/25.

[11] ISBA/4/A/8, annex.

[12] SPLOS/72.

[13] Statement by the Chairman of the Commission on the Limits of the Continental Shelf on the progress of work in the Commission (CLCS/42).

30. *Urges* the Secretary-General to take all necessary actions to ensure that the Commission can fulfil the functions entrusted to it under the Convention;

31. *Requests* the Secretary-General to submit to the sixtieth session of the General Assembly proposals on how the requirements of the Commission could be best accommodated, taking into account the concerns expressed in the statement of the Chairman of the Commission at its fourteenth session,[13] regarding the expectation that new submissions will require concomitant meetings of several subcommissions for their examination;

32. *Also requests* the Secretary-General, in cooperation with States and relevant international organizations and institutions, to consider developing and making available training courses, based on the outline for a five-day training course[14] prepared by the Commission in order to facilitate the preparation of submissions in accordance with its Scientific and Technical Guidelines,[15] and welcomes the progress made by the Division for Ocean Affairs and the Law of the Sea in preparing a training manual to assist States in preparation of submissions to the Commission;

33. *Encourages* States to exchange views in order to increase understanding of issues arising from the application of article 76 of the Convention, thus facilitating preparation of submissions by States, in particular developing States, to the Commission, and welcomes initiatives in this regard, including the Conference on Legal and Scientific Aspects of Continental Shelf Limits, held in Reykjavik from 25 to 27 June 2003, the proceedings of which have been published and distributed worldwide;

IX. Maritime safety and security and flag State implementation

34. *Encourages* States to ratify or accede to international agreements addressing the safety and security of navigation and to adopt the necessary measures consistent with the Convention, aimed at implementing and enforcing the rules contained in those agreements;

35. *Welcomes* the adoption by the International Maritime Organization of Guidelines on Places of Refuge for Ships in Need of Assistance,[16] encourages States to draw up plans and to establish procedures to implement those guidelines, and invites States to participate in the consideration of those instruments by the International Maritime Organization;

36. *Invites* the International Hydrographic Organization and the International Maritime Organization to continue their coordinated efforts, to jointly adopt measures with a view to encouraging greater international cooperation and coordination for the transition to electronic nautical charts and to increase the coverage of hydrographic information on a global basis, especially in the areas of international navigation and ports and where there are vulnerable or protected marine areas;

37. *Welcomes* the adoption by the General Conference of the International Atomic Energy Agency at its forty-eighth session of resolution GC(48)/RES/10,

[14] CLCS/24 and Corr.1.

[15] CLCS/11 and Corr.1 and Add.1 and Corr.1.

[16] IMO Assembly resolution A.949(23).

concerning measures to strengthen international cooperation in nuclear, radiation and transport safety and waste management,[17] including those aspects relating to maritime transport, and also welcomes the approval of the Action Plan on the Safety of Transport of Radioactive Materials by the Board of Governors of the International Atomic Energy Agency in March 2004;

38. *Once again urges* flag States without an effective maritime administration and appropriate legal frameworks to establish or enhance the necessary infrastructure, legislative and enforcement capabilities to ensure effective compliance with, and implementation and enforcement of, their responsibilities under international law and, until such action is undertaken, to consider declining the granting of the right to fly their flag to new vessels, suspending their registry or not opening a registry;

39. *Welcomes* the report of the Consultative Group on Flag State Implementation,[18] and invites all concerned organizations to disseminate it widely;

40. *Also welcomes* the progress made by the International Maritime Organization on the establishment and further development of a voluntary International Maritime Organization member State audit scheme, in such a manner as not to exclude the possibility in the future of it becoming mandatory;

41. *Requests* that the Secretary-General report on the study undertaken by the International Maritime Organization in cooperation with other competent international organizations following the invitation extended to it in resolutions 58/240 and 58/14 of 24 November 2003 to examine and clarify the role of the "genuine link" in relation to the duty of flag States to exercise effective control over ships flying their flag, including fishing vessels, and the potential consequences of non-compliance with duties and obligations of flag States described in relevant international instruments, to the sixty-first session of the General Assembly;

42. *Encourages* relevant international organizations to further develop ideas to devise means of discouraging owners and operators from non-compliance with the requirements imposed by flag States in carrying out their duties and obligations under relevant international instruments;

43. *Welcomes* the progress by the International Labour Organization on the preparation of a consolidated maritime labour convention;

44. *Recognizes* the important role of port State control in promoting the effective enforcement by flag States of, and compliance by shipowners and charterers with, flag States' and internationally agreed safety, labour and pollution standards, as well as maritime security regulations and conservation and management measures, and encourages Member States to improve the exchange of appropriate information between port States control authorities;

45. *Invites* the International Maritime Organization to take steps within its mandate to harmonize, coordinate and evaluate port State control in relation to safety and pollution standards, maritime security regulations and, in collaboration with the International Labour Organization, labour standards so as to promote the implementation of globally agreed minimum standards by all States, and invites the

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[17] See International Atomic Energy Agency, *Resolutions and Other Decisions of the General Conference, Forty-eighth Regular Session*, 20-24 September 2004 (GC(48)/RES/DEC(2004)).

[18] A/59/63.

Food and Agriculture Organization of the United Nations to continue its work in promoting port State measures in relation to fishing vessels in order to combat illegal, unreported and unregulated fishing;

46. *Calls upon* flag and port States to take all measures consistent with international law necessary to prevent the operation of sub-standard vessels and illegal, unreported and unregulated fishing activities;

47. *Urges* all States, in cooperation with the International Maritime Organization, to combat piracy and armed robbery at sea by adopting measures, including those relating to assistance with capacity-building through training of seafarers, port staff and enforcement personnel in the prevention, reporting and investigation of incidents, bringing the alleged perpetrators to justice, in accordance with international law, and by adopting national legislation, as well as providing enforcement vessels and equipment and guarding against fraudulent ship registration;

48. *Welcomes* the progress in regional cooperation in the prevention and suppression of piracy and armed robbery at sea in some geographical areas, and urges States to give urgent attention to promoting, adopting and implementing cooperation agreements, in particular at the regional level in high-risk areas;

49. *Notes* the concerns of the Council and the Secretary-General of the International Maritime Organization with regard to keeping shipping lanes of strategic importance and significance safe and open to international maritime traffic and thereby ensuring the uninterrupted flow of traffic, and welcomes the Council's request in this regard, that the Secretary-General of the International Maritime Organization continue work on the issue in collaboration with parties concerned and report developments to the next session of the Council of the International Maritime Organization;[19]

50. *Urges* States to become parties to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and its Protocol,[20] invites States to participate in the review of those instruments by the Legal Committee of the International Maritime Organization to strengthen the means of combating such unlawful acts, including terrorist acts, and also urges States to take appropriate measures to ensure the effective implementation of those instruments, in particular through the adoption of legislation, where appropriate, aimed at ensuring that there is a proper framework for responses to incidents of armed robbery and terrorist acts at sea;

51. *Welcomes* the entry into force of the International Ship and Port Facility Code and related amendments to the International Convention for the Safety of Life at Sea on 1 July 2004,[21] as well as the adoption by the International Maritime Organization of the theme "International Maritime Organization 2004: Focus on Maritime Security" for the twenty-seventh World Maritime Day, and urges all States to work with that organization to promote safe and secure shipping while ensuring freedom of navigation;

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[19] IMO C 92/D (*Summary of decisions*), para. 5.3.

[20] International Maritime Organization publication, Sales No. 462.88.12E.

[21] SOLAS/CONF.5/32 and 34.

52. *Also welcomes* the entry into force of the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime[22] and of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,[23] and urges States that have not yet done so to become parties to the Protocols and to take appropriate measures to ensure their effective implementation;

53. *Further welcomes* the adoption by the International Maritime Organization of amendments to the International Convention on Maritime Search and Rescue[24] and to the International Convention for the Safety of Life at Sea[25] relating to the delivery of persons rescued at sea to a place of safety and of the associated Guidelines on the Treatment of Persons Rescued at Sea;[26]

X. Marine environment, marine resources, marine biodiversity and the protection of vulnerable marine ecosystems

54. *Emphasizes once again* the importance of the implementation of Part XII of the Convention in order to protect and preserve the marine environment and its living marine resources against pollution and physical degradation, and calls upon all States to cooperate and take measures, directly or through competent international organizations, for the protection and preservation of the marine environment;

55. *Calls upon* all States that have not yet done so to become parties to and implement the 1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and other Matter, 1972,[27] and protect and preserve the marine environment from all sources of pollution and take effective measures, according to their scientific, technical and economic capabilities, to prevent, reduce and where practicable eliminate pollution caused by dumping or incineration at sea of wastes or other matter;

56. *Welcomes* the adoption by the International Maritime Organization of amendments to the International Convention for the Prevention of Pollution from Ships of 1973, as modified by the Protocol of 1978 relating thereto, providing for the accelerated phase-out of single-hull tankers and a phase-out scheme for the carriage of heavy grade fuel oil in single-hull tankers;[28]

57. *Also welcomes* the adoption by the International Maritime Organization of the International Convention for the Control and Management of Ships' Ballast Water and Sediments,[29] and calls upon States to become parties to that Convention;

58. *Calls upon* all States that have not yet done so to become parties to the International Convention on the Control of Harmful Anti-fouling Systems on Ships;[30]

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[22] Resolution 55/25, annex III.
[23] Resolution 55/25, annex II.
[24] Resolution MSC.155(78).
[25] Resolution MSC.153(78).
[26] Resolution MSC.167(78).
[27] IMO/LC.2/Circ.380.
[28] Resolution MEPC.111(50).
[29] Document BWM/CONF/36.
[30] AFS/CONF/26.

59. *Welcomes* the adoption of the Protocol establishing an International Oil Pollution Compensation Supplementary Fund,[31] and calls upon States to become parties to that Protocol;

60. *Encourages* States, in accordance with the Convention and other relevant instruments, either bilaterally or regionally, to jointly develop and promote contingency plans for responding to pollution incidents, as well as other incidents that are likely to have significant adverse effects on the marine environment and biodiversity;

61. *Notes with interest* the decision taken at the fifty-second session of the Marine Environment Protection Committee of the International Maritime Organization to designate the western European waters as a particularly sensitive sea area;[32]

62. *Welcomes* the entry into force of the Stockholm Convention on Persistent Organic Pollutants[33] and calls upon all States that have not yet done so to become parties to that Convention;

63. *Calls upon* States to continue to prioritize action on marine pollution from land-based sources as part of their national sustainable development strategies and programmes, in an integrated and inclusive manner, and to advance the implementation of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities and the Montreal Declaration on the Protection of the Marine Environment from Land-based Activities;[34]

64. *Welcomes* the adoption of resolution A.962(23) by the International Maritime Organization on 5 December 2003, entitled "International Maritime Organization Guidelines on Ship Recycling", and calls upon States to follow these guidelines in order to minimize marine pollution;

65. *Also welcomes* the continued work of States, the United Nations Environment Programme and regional organizations in the implementation of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities, and encourages increased emphasis on the link between freshwater, the coastal zone and marine resources in the implementation of international development goals, including those contained in the Millennium Declaration and of the time-bound targets in the Plan of Implementation of the World Summit on Sustainable Development ("Johannesburg Plan of Implementation"),[35] in particular the target on sanitation, and the Monterrey Consensus of the International Conference on Financing for Development;[36]

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[31] Protocol of 2003 to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1992 (LEG/CONF.14/20).

[32] Resolution MEPC.121(52).

[33] *Registered: 17 May 2004, No. 40214.*

[34] See A/57/57, annex I.B.

[35] *Report of the World Summit on Sustainable Development, Johannesburg, South Africa, 26 August-4 September 2002* (United Nations publication, Sales No. E.03.II.A.1 and corrigendum), chap. I, resolution 2, annex.

[36] *Report of the International Conference on Financing for Development, Monterrey, Mexico, 18-22 March 2002* (United Nations publication, Sales No. E.02.II.A.7), chap. I, resolution 1, annex.

66. *Calls upon* States to implement strategies and programmes for an integrated ecosystem-based approach to management, developed by the Conference of the Parties to the Convention on Biological Diversity,[37] the Food and Agriculture Organization of the United Nations and other relevant global and regional organizations, and urges those organizations to cooperate in the development of practical guidance to assist States in this regard;

67. *Takes note* of part two of the addendum to the report of the Secretary-General on oceans and the law of the sea[38] describing the threats and risks to vulnerable marine ecosystems and biodiversity in areas beyond national jurisdiction, as well as details of conservation and management measures addressing these issues, prepared pursuant to the request contained in paragraph 52 of resolution 58/240;

68. *Reaffirms* the need for States and competent international organizations to urgently consider ways to integrate and improve, on a scientific basis and in accordance with the Convention and related agreements and instruments, the management of risks to the marine biodiversity of seamounts, cold water corals, hydrothermal vents and certain other underwater features;

69. *Welcomes* decision VII/5 on marine and coastal biological diversity adopted at the seventh meeting of the Conference of the Parties to the Convention on Biological Diversity;

70. *Calls upon* States and international organizations to urgently take action to address, in accordance with international law, destructive practices that have adverse impacts on marine biodiversity and ecosystems, including seamounts, hydrothermal vents and cold water corals;

71. *Welcomes* decision VII/28 adopted at the seventh meeting of the Conference of the Parties to the Convention on Biological Diversity to establish an ad hoc open-ended working group on protected areas, and encourages the participation of oceans experts in the working group;

72. *Reaffirms* the need for States to continue their efforts to develop and facilitate the use of diverse approaches and tools for conserving and managing vulnerable marine ecosystems, including the possible establishment of marine protected areas, consistent with international law and based on the best scientific information available, and the development of representative networks of any such marine protected areas by 2012;

73. *Decides* to establish an ad hoc open-ended informal working group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction, to:

(a) Survey the past and present activities of the United Nations and other relevant international organizations with regard to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction;

(b) Examine the scientific, technical, economic, legal, environmental, socio-economic and other aspects of these issues;

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[37] United Nations, *Treaty Series*, vol. 1760, No. 30619.

[38] A/59/62/Add.1.

(c) Identify key issues and questions where more detailed background studies would facilitate consideration by States of these issues;

(d) Indicate, where appropriate, possible options and approaches to promote international cooperation and coordination for the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction;

74. *Requests* the Secretary-General to report on the issues referred to in paragraph 73 above in the context of his report on oceans and the law of the sea to the sixtieth session of the General Assembly, in order to assist the working group in preparing its agenda, in consultation with all relevant international bodies; to convene the meeting of the ad hoc open-ended informal working group in New York not later than six months after the release of the report and to arrange support for the performance of its work to be provided by the Division for Ocean Affairs and the Law of the Sea;

75. *Encourages* States to include relevant experts in their delegations attending the meeting of the working group;

76. *Recognizes* the importance of making the outcomes of the working group widely available;

77. *Urges* States and relevant global and regional bodies to enhance their cooperation in the protection and preservation of mangroves, seagrass beds and coral reefs, including through the exchange of information;

78. *Reiterates its support* for the International Coral Reef Initiative, takes note of the tenth International Coral Reef Symposium, held in Okinawa, Japan, in 2004, supports the work under the Jakarta Mandate on the Conservation and Sustainable Use of Marine and Coastal Biological Diversity,[39] and the elaborated Programme of Work on Marine and Coastal Biological Diversity,[40] and notes the progress that the International Coral Reef Initiative and other relevant bodies have made to incorporate the issue of cold water coral ecosystems into their programmes;

79. *Encourages* States to cooperate, directly or through competent international bodies, in exchanging information in the event of accidents involving foreign vessels on coral reefs and in promoting the development of economic assessment techniques for both restoration and non-use values of coral reef systems;

80. *Emphasizes* the need to mainstream sustainable coral reef management and integrated watershed management into national development strategies, as well as into the activities of relevant United Nations agencies and programmes, international financial institutions and the donor community;

XI. Marine science

81. *Calls upon* States, individually, or in collaboration with each other or with relevant international organizations and bodies, to improve understanding and knowledge of the deep sea, including, in particular, the extent and vulnerability of deep sea biodiversity and ecosystems, by increasing their marine scientific research activities in accordance with the Convention;

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[39] See A/51/312, annex II, decision II/10.

[40] UNEP/CBD/COP/7/21, annex, decision VII/5, annex I.

82. *Notes* the potential for gas hydrates as one source for energy development, as well as the possible associated risks, including those in the context of climate change, and encourages States, and, if appropriate, the Authority and the international scientific community to continue to cooperate in deepening the understanding of the issues and in investigating the feasibility, methodology, safety and environmental impacts of its extraction from the seabed, its distribution and its use;

83. *Also notes* the potential for cobalt-rich ferromanganese crusts and polymetallic sulphides as important sources of minerals, and in this context encourages States, the Authority and scientific community to cooperate to explore this potential and to minimize the environmental impacts of the exploration;

XII. Regular process for global reporting and assessment of the state of the marine environment, including socio-economic aspects

84. *Takes note* of the report on the International Workshop on the regular process for global reporting and assessment of the state of the marine environment, including socio-economic aspects,[41] (the "regular process") including its draft conclusions, convened to consider and review the draft document prepared by the group of experts;

85. *Recognizes* the urgent need to initiate a start-up phase, the "assessment of assessments", as a preparatory stage towards the establishment of the regular process provided for in the Johannesburg Plan of Implementation,[3] and General Assembly resolutions 57/141 and 58/240;

86. *Requests* the Secretary-General to convene the second international workshop on the regular process for global reporting and assessment of the state of the marine environment, including socio-economic aspects, from 13 to 15 June 2005 with representatives from States, relevant organizations, agencies and programmes of the United Nations system, other competent intergovernmental organizations and relevant non-governmental organizations, in order to continue considering issues relating to the establishment of the process, including the scope of the process and a task force to initiate the start-up phase, the "assessment of assessments";

87. *Also requests* the Secretary-General to report on progress relating to establishment of the aforementioned regular process in his annual report to the General Assembly at its sixtieth session;

XIII. Regional cooperation

88. *Emphasizes once again* the importance of regional organizations and arrangements for cooperation and coordination in integrated oceans management, and, where there are separate regional structures for different aspects of oceans management, such as environmental protection and conservation of marine ecosystems, fisheries management, navigation, scientific research and maritime delimitation, calls for those different structures, where appropriate, to work together for optimal cooperation and coordination;

89. *Notes* that there have been a number of initiatives at the regional level, in various regions, to further the implementation of the Convention, takes note, in this

[41] A/59/126.

context, of the Caribbean-focused Assistance Fund, which is intended to facilitate, mainly through technical assistance, the voluntary undertaking of maritime delimitation negotiations between Caribbean States, takes note once again of the Fund for Peace: Peaceful Settlement of Territorial Disputes, established by the General Assembly of the Organization of American States in 2000 as a primary mechanism, given its broader regional scope, for the prevention and resolution of pending territorial, land border and maritime boundary disputes, and calls upon States and others in a position to do so to contribute to these funds;

XIV. Open-ended informal consultative process on oceans and the law of the sea

90. *Requests* the Secretary-General to convene the sixth meeting of the Consultative Process in New York from 6 to 10 June 2005 and to provide it with the necessary facilities for the performance of its work and to arrange for support, as appropriate;

91. *Recalls* its decision to further review the effectiveness and utility of the Consultative Process at its sixtieth session;

92. *Recommends* that, in its deliberations on the report of the Secretary-General on oceans and the law of the sea at its meeting, the Consultative Process should organize its discussions around the following areas:

(a) Fisheries and their contribution to sustainable development;

(b) Marine debris;

as well as issues discussed at previous meetings;

XV. Inter-agency coordination and cooperation

93. *Notes* the establishment of the Oceans and Coastal Areas Network (UN-Oceans), a new inter-agency mechanism for coordination and cooperation on issues relating to oceans and coastal issues, called for in paragraph 69 of resolution 58/240;

94. *Urges* the close and continuous involvement in UN-Oceans of all relevant United Nations programmes, funds and the specialized agencies and other organizations of the United Nations system and the participation of international financial institutions, relevant intergovernmental and other organizations, as well as the Authority and the secretariats of multilateral environmental agreements;

95. *Requests* the Secretary-General to bring the present resolution to the attention of heads of intergovernmental organizations, the specialized agencies and funds and programmes of the United Nations engaged in activities relating to ocean affairs and the law of the sea, drawing their attention to paragraphs of particular relevance to them, and underlines the importance of their constructive and timely input for the report of the Secretary-General on oceans and the law of the sea and of their participation in relevant meetings and processes;

96. *Invites* the competent international organizations, as well as funding institutions, to take specific account of the present resolution in their programmes and activities and to contribute to the preparation of the comprehensive report of the Secretary-General on oceans and the law of the sea;

97. *Encourages* the sponsoring organizations of the Joint Group of Experts on the Scientific Aspects of Marine Environmental Protection to continue to support and provide the necessary assistance to the process of restructuring the Group of Experts;

XVI. Activities of the Division for Ocean Affairs and the Law of the Sea

98. *Expresses its appreciation* to the Secretary-General for the annual comprehensive report on oceans and the law of the sea and its addendum,[6] prepared by the Division for Ocean Affairs and the Law of the Sea, as well as for the other activities of the Division, in accordance with the provisions of the Convention and the mandate set forth in resolutions 49/28, 52/26, 54/33 and 56/12 of 28 November 2001;

99. *Requests* the Secretary-General to continue to carry out the responsibilities entrusted to him in the Convention and related resolutions of the General Assembly, including resolutions 49/28 and 52/26, and to ensure that appropriate resources are made available to the Division for Ocean Affairs and the Law of the Sea for the performance of such responsibilities under the approved budget for the Organization;

100. *Invites* Member States and others in a position to do so to support the capacity-building activities of the Division for Ocean Affairs and the Law of the Sea, including, in particular, the training activities to assist developing States in the preparation of their submission to the Commission, and the TRAIN-SEA-COAST Programme of the Division;

XVII. Sixtieth session of the General Assembly

101. *Requests* the Secretary-General to report to the General Assembly at its sixtieth session on the implementation of the present resolution, including other developments and issues relating to ocean affairs and the law of the sea, in connection with his annual comprehensive report on oceans and the law of the sea, and to provide the report in accordance with the modalities set out in resolutions 49/28, 52/26 and 54/33, and also requests the Secretary-General to make the report available, in its current comprehensive format, at least six weeks in advance of the meeting of the Consultative Process;

102. *Notes* that the report referred to in paragraph 101 above will also be presented to States parties pursuant to article 319 of the Convention regarding issues of a general nature that have arisen with respect to the Convention;

103. *Decides* to include in the provisional agenda of its sixtieth session the item entitled "Oceans and the law of the sea".

United Nations A/59/L.22*

General Assembly

Distr.: Limited
10 November 2004

Original: English

Fifty-ninth session
Agenda item 49 (a)
Oceans and the law of the sea: oceans and the law of the sea

Austria, Brazil, Canada, Cyprus, Czech Republic, Denmark, Fiji, Finland, Iceland, Ireland, Japan, Malta, Marshall Islands, Mexico, Monaco, Namibia, Netherlands, New Zealand, Norway, Portugal, Slovakia, Slovenia, Sri Lanka, Sweden, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

Oceans and the law of the sea

The General Assembly,

Recalling its resolutions 49/28 of 6 December 1994, 52/26 of 26 November 1997, 54/33 of 24 November 1999, 57/141 of 12 December 2002, 58/240 of 23 December 2003 and other relevant resolutions adopted subsequent to the entry into force of the United Nations Convention on the Law of the Sea ("the Convention")[1] on 16 November 1994,

Emphasizing the universal and unified character of the Convention and its fundamental importance for the maintenance and strengthening of international peace and security, as well as for the sustainable development of the oceans and seas,

Reaffirming that the Convention sets out the legal framework within which all activities in the oceans and seas must be carried out and is of strategic importance as the basis for national, regional and global action and cooperation in the marine sector, and that its integrity needs to be maintained, as recognized also by the United Nations Conference on Environment and Development in chapter 17 of Agenda 21,[2]

* Reissued for technical reasons.

[1] See *The Law of the Sea: Official Texts of the United Nations Convention on the Law of the Sea of 10 December 1982 and of the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 with Index and Excerpts from the Final Act of the Third United Nations Conference on the Law of the Sea* (United Nations publication, Sales No. E.97.V.10).

[2] *Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992* (United Nations publication, Sales No. E.93.I.8 and corrigenda), vol. I: *Resolutions adopted by the Conference*, resolution 1, annex II.

Noting with satisfaction the tenth anniversary of the entry into force of the Convention on 16 November 2004, and recognizing the pre-eminent contribution provided by the Convention to the strengthening of peace, security, cooperation and friendly relations among all nations in conformity with the principles of justice and equal rights and to the promotion of the economic and social advancement of all peoples of the world, in accordance with the purposes and principles of the United Nations as set forth in the Charter,

Conscious that the problems of ocean space are closely interrelated and need to be considered as a whole through an integrated, interdisciplinary and intersectoral approach,

Reaffirming the need to improve cooperation and coordination at all levels, in accordance with the Convention, in order to address all aspects of oceans and seas in an integrated manner and to promote the integrated management and sustainable development of the oceans and seas,

Recalling the essential role of international cooperation and coordination at all levels to support and supplement the efforts of each State in promoting the implementation and observance of the Convention, including the integrated management and sustainable development of coastal and marine areas,

Reiterating the essential need for capacity-building to ensure that all States, especially developing countries, in particular least developed countries and small island developing States, as well as coastal African States, are able both to implement the Convention and to benefit from the sustainable development of the oceans and seas, as well as to participate fully in global and regional forums and processes dealing with oceans and law of the sea issues,

Recognizing the important role that the competent international organizations have in relation to ocean affairs, in implementing the Convention and in promoting the sustainable development of the oceans and seas,

Emphasizing the need to strengthen the ability of competent international organizations to contribute, at the global, regional, subregional and bilateral levels, through cooperation programmes with Governments, to the development of national capacity in marine science and the sustainable management of the oceans and their resources,

Recalling that marine science, by improving knowledge, through sustained research efforts and the evaluation of monitoring results, and applying such knowledge to management and decision-making, is important for eradicating poverty, contributing to food security, conserving the world's marine environment and resources, helping to understand, predict and respond to natural events, and promoting the sustainable development of the oceans and seas,

Recalling its decision to establish a regular process under the United Nations for global reporting and assessment of the state of the marine environment, including socio-economic aspects, both current and foreseeable, building on existing regional assessments, in its resolutions 57/141 and 58/240, as recommended by the World Summit on Sustainable Development,[3] noting the work of the International

[3] *Report of the World Summit on Sustainable Development, Johannesburg, South Africa, 26 August-4 September 2002* (United Nations publication, Sales No. E.03.II.A.1 and corrigendum), chap. I, resolution 2, annex, para. 36 (*b*).

Workshop, held in conjunction with the fifth meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea ("the Consultative Process") held from 8 to 11 June 2004, reaffirming its support for this objective and noting the need for cooperation among all States to this end,

Reiterating its concern at the adverse impacts on the marine environment and biodiversity, in particular on vulnerable marine ecosystems, including corals, of human activities, such as overutilization of living marine resources, the use of destructive practices, physical impacts by ships, the introduction of alien invasive species and marine pollution from all sources, including from land-based sources and vessels, in particular through the illegal release of oil and other harmful substances and from dumping, including the dumping of hazardous waste such as radioactive materials, nuclear waste and dangerous chemicals,

Recognizing that hydrographic surveys and nautical charting are critical to the safety of navigation and life at sea, environmental protection, including vulnerable marine ecosystems and the economics of the global shipping industry, and recognizing in this regard that the move towards electronic charting not only provides significantly increased benefits for safe navigation and management of ship movement, but also provides data and information that can be used for sustainable fisheries activities and other sectoral uses of the marine environment, the delimitation of maritime boundaries and environmental protection,

Noting the important role of the Commission on the Limits of the Continental Shelf ("the Commission") in assisting States parties in the implementation of the Convention, through the examination of submissions by coastal States regarding the outer limits of the continental shelf beyond 200 nautical miles, and also noting the need to ensure the effective functioning of the Commission and its subcommissions, in particular the participation of the members of the Commission in its subcommissions,

Taking note of the report on the work of the fifth meeting of the Consultative Process,[4] established by the General Assembly in its resolution 54/33 in order to facilitate the annual review by the Assembly of developments in ocean affairs and extended for three years by its resolution 57/141,

Taking note also of the report of the Secretary-General,[5] and emphasizing in this regard the critical role of the annual comprehensive report of the Secretary-General, which integrates information on developments relating to the implementation of the Convention and the work of the Organization, its specialized agencies and other institutions in the field of ocean affairs and the law of the sea at the global and regional levels, and as a result constitutes the basis for the annual consideration and review of developments relating to ocean affairs and the law of the sea by the General Assembly as the global institution having the competence to undertake such a review,

Noting the responsibilities of the Secretary-General under the Convention and related resolutions of the General Assembly, in particular resolutions 49/28, 52/26 and 54/33, and in this context the increase in responsibilities of the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs of the Secretariat, in particular in view of the growing involvement of the Division with

[4] A/59/122.

[5] A/59/62 and Add.1.

new developments such as the regular process for the global reporting and assessment of the state of the marine environment, including socio-economic aspects, with increasing capacity-building activities, assistance to the Commission and the role of the Division in inter-agency coordination and cooperation,

Emphasizing that ships and watercraft of all descriptions and ages hold essential information on the history of humankind and that archaeological heritage is a non-renewable resource, deposited over thousands of years, but vulnerable to destruction through modern technologies,

I. Implementation of the Convention and related agreements and instruments

1. *Calls upon* all States that have not done so, in order to achieve the goal of universal participation, to become parties to the Convention,[1] and the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 ("the Agreement");[1]

2. *Reaffirms* the unified character of the Convention;

3. *Calls upon* all States that have not done so to become parties to the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks ("the Fish Stocks Agreement");[6]

4. *Once again calls upon* States to harmonize, as a matter of priority, their national legislation with the provisions of the Convention, to ensure the consistent application of those provisions and to ensure also that any declarations or statements that they have made or make when signing, ratifying or acceding to the Convention do not purport to exclude or to modify the legal effect of the provisions of the Convention in their application to the State concerned and to withdraw any such declarations or statements;

5. *Calls upon* States Parties to the Convention to deposit with the Secretary-General charts or lists of geographical coordinates, as provided for in the Convention;

6. *Requests* the Secretary-General to improve the existing Geographic Information System for the deposit by States of charts and geographical coordinates concerning maritime zones, including lines of delimitation, submitted in compliance with the Convention, and to give due publicity thereto, in particular by implementing, in cooperation with relevant international organizations, such as the International Hydrographic Organization, the technical standards for the collection, storage and dissemination of the information deposited, in order to ensure compatibility among the Geographic Information System, electronic nautical charts and other systems developed by these organizations;

7. *Urges* all States to cooperate, directly or through competent international bodies, in taking measures to protect and preserve objects of an archaeological and historical nature found at sea, in conformity with article 303 of the Convention;

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[6] *International Fisheries Instruments with Index* (United Nations publication, Sales No. E.98.V.11), sect. I; see also A/CONF.164/37.

II. Capacity-building

8. *Calls upon* bilateral and multilateral donor agencies and international financial institutions to keep their programmes systematically under review to ensure the availability in all States, particularly in developing States, of the economic, legal, navigational, scientific and technical skills necessary for the full implementation of the Convention and the objectives of the present resolution as well as the sustainable development of the oceans and seas nationally, regionally and globally, and in so doing to bear in mind the rights of landlocked developing States;

9. *Encourages* intensified efforts to build capacity for developing countries, in particular for the least developed countries and small island developing States, as well as coastal African States, to improve hydrographic services and the production of nautical charts, including the mobilization of resources and building of capacity with support from international financial institutions and the donor community, recognizing that economies of scale can apply in some instances at the regional level through shared facilities, technical capabilities and information for the provision of hydrographic services and the preparation of and access to nautical charts;

10. *Calls upon* States and international financial institutions, including through bilateral, regional and global cooperation programmes and technical partnerships, to continue to strengthen capacity-building activities, in particular in developing countries, in the field of marine scientific research by, inter alia, training the necessary skilled personnel, providing the necessary equipment, facilities and vessels and transferring environmentally sound technologies;

11. *Encourages* the Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization to continue to disseminate and implement the Criteria and Guidelines on the Transfer of Marine Technology, approved by the Assembly of the Intergovernmental Oceanographic Commission at its twenty-second session in 2003;[7]

12. *Encourages* States to assist developing States, and especially the least developed States and small island developing States, as well as coastal African States, on a bilateral and, where appropriate, regional level, in the preparation of submissions to the Commission, including the assessment of the nature of the continental shelf of a coastal State made in the form of a desktop study, and the mapping of the outer limits of its continental shelf;

III. Trust funds and fellowships

13. *Welcomes* recent capacity-building initiatives, and in this context takes note with satisfaction of the conclusion of an arrangement between the United Nations and the Food and Agriculture Organization of the United Nations regarding the administration of the Assistance Fund, established under Part VII of the Fish Stocks Agreement and the conclusion of a capacity-building trust fund project agreement between the United Nations and the Nippon Foundation of Japan, focusing on human resources development for developing coastal States parties and

[7] Intergovernmental Oceanographic Commission, document IOC-XXII/2, annex 12 rev.

non-Parties to the Convention in the field of ocean affairs and the law of the sea or related disciplines;

14. *Recognizes* the importance of assisting developing States, in particular the least developed States and small island developing States, in implementing the Convention, and urges States, intergovernmental organizations and agencies, national institutions, non-governmental organizations and international financial institutions, as well as natural and juridical persons, to make voluntary financial or other contributions to the trust funds, as referred to in resolution 57/141, established for this purpose;

15. *Also recognizes* the importance of the Hamilton Shirley Amerasinghe Memorial Fellowship Programme on the Law of the Sea established by the General Assembly in its resolution 35/116 of 10 December 1980, and urges Member States and others in a position to do so to contribute to the further development of that Fellowship Programme;

IV. Meeting of States Parties

16. *Takes note* of the report of the fourteenth Meeting of States Parties to the Convention;[8]

17. *Requests* the Secretary-General to convene the fifteenth Meeting of States Parties to the Convention in New York from 16 to 24 June 2005 and to provide the services required;

V. Settlement of disputes

18. *Notes with satisfaction* the continued and significant contribution of the International Tribunal for the Law of the Sea ("the Tribunal") to the peaceful settlement of disputes in accordance with Part XV of the Convention, and underlines the important role and authority of the Tribunal concerning the interpretation or application of the Convention and the Agreement;

19. *Equally pays tribute* to the important and long-standing role of the International Court of Justice with regard to the peaceful settlement of disputes concerning the law of the sea;

20. *Encourages* States parties to the Convention that have not yet done so to consider making a written declaration choosing from the means set out in article 287 of the Convention for the settlement of disputes concerning the interpretation or application of the Convention and the Agreement;

21. *Recalls* the obligation under article 296 of the Convention requiring all parties to a dispute before a court or a tribunal referred to in article 287 of the Convention to comply promptly with any decisions rendered by such court or tribunal;

22. *Encourages* States parties to the Convention that have not yet done so to nominate conciliators and arbitrators in accordance with annexes V and VII to the Convention, and requests the Secretary-General to continue to update and circulate lists of these conciliators and arbitrators on a regular basis;

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[8] SPLOS/119 and Corr.1.

VI. The Area

23. *Notes with satisfaction* the progress of the discussions on issues relating to the regulations for prospecting and exploration for polymetallic sulphides and cobalt-rich ferromanganese crusts in the Area, and reiterates the importance of the ongoing elaboration by the International Seabed Authority ("the Authority"), pursuant to article 145 of the Convention, of rules, regulations and procedures to ensure the effective protection for the marine environment, the protection and conservation of the natural resources of the Area and the prevention of damage to its flora and fauna from harmful effects that may arise from activities in the Area;

24. *Takes note* of the Workshop for the establishment of environmental baselines at deep seafloor cobalt-rich crusts and deep seabed polymetallic sulphide mine sites in the Area for the purpose of evaluating the likely effects of exploration and exploitation on the marine environment, held in Kingston, Jamaica, from 6 to 10 September 2004;

VII. Effective functioning of the Authority and the Tribunal

25. *Appeals* to all States parties to the Convention to pay their assessed contributions to the Authority and to the Tribunal in full and on time;

26. *Calls upon* States that have not done so to consider ratifying or acceding to the Agreement on the Privileges and Immunities of the Tribunal[9] and to the Protocol on the Privileges and Immunities of the Authority;[10]

VIII. The continental shelf and the work of the Commission

27. *Encourages* States parties to the Convention that are in a position to do so to make every effort to make submissions to the Commission regarding the establishment of the outer limits of the continental shelf beyond 200 nautical miles within the time period established by the Convention, taking into account the decision of the eleventh Meeting of States Parties to the Convention;[11]

28. *Notes with satisfaction* the progress in the work of the Commission,[12] especially that the consideration of the first submissions regarding the establishment of the outer limits of the continental shelf beyond 200 nautical miles has begun, and that a number of States have advised of their intention to make submissions in the near future;

29. *Approves* the convening by the Secretary-General of the fifteenth session of the Commission in New York from 4 to 22 April 2005, and of the sixteenth session of the Commission from 29 August to 16 September 2005, on the understanding that the second and third weeks of each session will be used by the Commission for a technical examination of submissions at the Geographic Information System Laboratory and other technical facilities at the Division for Ocean Affairs and the Law of the Sea;

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[9] SPLOS/25.

[10] ISBA/4/A/8, annex.

[11] SPLOS/72.

[12] Statement by the Chairman of the Commission on the Limits of the Continental Shelf on the progress of work in the Commission (CLCS/42).

30. *Urges* the Secretary-General to take all necessary actions to ensure that the Commission can fulfil the functions entrusted to it under the Convention;

31. *Requests* the Secretary-General to submit to the sixtieth session of the General Assembly proposals on how the requirements of the Commission could be best accommodated, taking into account the concerns expressed in the statement of the Chairman of the Commission at its fourteenth session,[12] regarding the expectation that new submissions will require concomitant meetings of several subcommissions for their examination;

32. *Also requests* the Secretary-General, in cooperation with States and relevant international organizations and institutions, to consider developing and making available training courses, based on the outline for a five-day training course[13] prepared by the Commission in order to facilitate the preparation of submissions in accordance with its Scientific and Technical Guidelines,[14] and welcomes the progress made by the Division for Ocean Affairs and the Law of the Sea in preparing a training manual to assist States in preparation of submissions to the Commission;

33. *Encourages* States to exchange views in order to increase understanding of issues arising from the application of article 76 of the Convention, thus facilitating preparation of submissions by States, in particular developing States, to the Commission, and welcomes initiatives in this regard, including the Conference on Legal and Scientific Aspects of Continental Shelf Limits, held in Reykjavik, Iceland, from 25 to 27 June 2003, the proceedings of which have been published and distributed worldwide;

IX. Maritime safety and security and flag State implementation

34. *Encourages* States to ratify or accede to international agreements addressing the safety and security of navigation and to adopt the necessary measures consistent with the Convention, aimed at implementing and enforcing the rules contained in those agreements;

35. *Welcomes* the adoption by the International Maritime Organization of Guidelines on Places of Refuge for Ships in Need of Assistance,[15] encourages States to draw up plans and to establish procedures to implement those Guidelines, and invites States to participate in the consideration of those instruments by the International Maritime Organization;

36. *Invites* the International Hydrographic Organization and the International Maritime Organization to continue their coordinated efforts, to jointly adopt measures with a view to encouraging greater international cooperation and coordination for the transition to electronic nautical charts and to increase the coverage of hydrographic information on a global basis, especially in the areas of international navigation and ports and where there are vulnerable or protected marine areas;

37. *Welcomes* the adoption by the General Conference of the International Atomic Energy Agency at its forty-eighth session of resolution GC(48)/RES/10,

[13] CLCS/24 and Corr.1.
[14] CLCS/11 and Corr.1 and Add.1 and Corr.1.
[15] IMO Assembly resolution A.949(23).

concerning measures to strengthen international cooperation in nuclear, radiation and transport safety and waste management,[16] including those aspects relating to maritime transport, and also welcomes the approval of the Action Plan on the Safety of Transport of Radioactive Materials by the Board of Governors of the International Atomic Energy Agency in March 2004;

38. *Once again urges* flag States without an effective maritime administration and appropriate legal frameworks to establish or enhance the necessary infrastructure, legislative and enforcement capabilities to ensure effective compliance with, and implementation and enforcement of, their responsibilities under international law and, until such action is undertaken, to consider declining the granting of the right to fly their flag to new vessels, suspending their registry or not opening a registry;

39. *Welcomes* the report of the Consultative Group on Flag State Implementation,[17] and invites all concerned organizations to disseminate it widely;

40. *Also welcomes* the progress made by the International Maritime Organization on the establishment and further development of a voluntary International Maritime Organization member State audit scheme, in such a manner as not to exclude the possibility in the future of it becoming mandatory;

41. *Requests* that the Secretary-General report on the study undertaken by the International Maritime Organization in cooperation with other competent international organizations following the invitation extended to it in resolutions 58/240 and 58/14 of 24 November 2003 to examine and clarify the role of the "genuine link" in relation to the duty of flag States to exercise effective control over ships flying their flag, including fishing vessels, and the potential consequences of non-compliance with duties and obligations of flag States described in relevant international instruments, to the sixty-first session of the General Assembly;

42. *Encourages* relevant international organizations to further develop ideas to devise means of discouraging owners and operators from non-compliance with the requirements imposed by flag States in carrying out their duties and obligations under relevant international instruments;

43. *Welcomes* the progress by the International Labour Organization on the preparation of a consolidated maritime labour convention;

44. *Recognizes* the important role of port State control in promoting the effective enforcement by flag States of, and compliance by shipowners and charterers with, flag States' and internationally agreed safety, labour and pollution standards, as well as maritime security regulations and conservation and management measures, and encourages Member States to improve the exchange of appropriate information between port States control authorities;

45. *Invites* the International Maritime Organization to take steps within its mandate to harmonize, coordinate and evaluate port State control in relation to safety and pollution standards, as well as maritime security regulations and, in collaboration with the International Labour Organization, labour standards so as to promote the implementation of globally agreed minimum standards by all States,

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[16] See International Atomic Energy Agency, *Resolutions and Other Decisions of the General Conference, Forty-eighth Regular Session*, 20-24 September 2004 (GC(48)/RES/DEC(2004)).

[17] A/59/63.

and invites the Food and Agriculture Organization of the United Nations to continue its work in promoting port State measures in relation to fishing vessels in order to combat illegal, unreported and unregulated fishing;

46. *Calls upon* flag and port States to take all measures consistent with international law necessary to prevent the operation of sub-standard vessels and illegal, unreported and unregulated fishing activities;

47. *Urges* all States, in cooperation with the International Maritime Organization, to combat piracy and armed robbery at sea by adopting measures, including those relating to assistance with capacity-building through training of seafarers, port staff and enforcement personnel in the prevention, reporting and investigation of incidents, bringing the alleged perpetrators to justice, in accordance with international law, and by adopting national legislation, as well as providing enforcement vessels and equipment and guarding against fraudulent ship registration;

48. *Welcomes* the progress in regional cooperation in the prevention and suppression of piracy and armed robbery at sea in some geographical areas, and urges States to give urgent attention to promoting, adopting and implementing cooperation agreements, in particular at the regional level in high-risk areas;

49. *Notes* the concerns of the Council and the Secretary-General of the International Maritime Organization with regard to keeping shipping lanes of strategic importance and significance safe and open to international maritime traffic and thereby ensuring the uninterrupted flow of traffic, and welcomes the Council's request in this regard, that the Secretary-General of the International Maritime Organization continue work on the issue in collaboration with parties concerned and report developments to the next session of the Council of the International Maritime Organization;[18]

50. *Urges* States to become parties to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and its Protocol,[19] invites States to participate in the review of those instruments by the Legal Committee of the International Maritime Organization to strengthen the means of combating such unlawful acts, including terrorist acts, and also urges States to take appropriate measures to ensure the effective implementation of those instruments, in particular through the adoption of legislation, where appropriate, aimed at ensuring that there is a proper framework for responses to incidents of armed robbery and terrorist acts at sea;

51. *Welcomes* the entry into force of the International Ship and Port Facility Security Code and related amendments to the International Convention for the Safety of Life at Sea on 1 July 2004,[20] as well as the adoption by the International Maritime Organization of the theme "International Maritime Organization 2004: Focus on Maritime Security" for the twenty-seventh World Maritime Day, and urges all States to work with that organization to promote safe and secure shipping while ensuring freedom of navigation;

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[18] IMO C 92/D (*Summary of decisions*), para. 5.3.

[19] International Maritime Organization publication, Sales No. 462.88.12E.

[20] SOLAS/CONF.5/32 and 34.

52. *Also welcomes* the entry into force of the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime[21] and of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,[22] and urges States that have not yet done so to become parties to the Protocols and to take appropriate measures to ensure their effective implementation;

53. *Further welcomes* the adoption by the International Maritime Organization of amendments to the International Convention on Maritime Search and Rescue[23] and to the International Convention for the Safety of Life at Sea[24] relating to the delivery of persons rescued at sea to a place of safety and of the associated Guidelines on the Treatment of Persons Rescued at Sea;[25]

X. Marine environment, marine resources, marine biodiversity and the protection of vulnerable marine ecosystems

54. *Emphasizes once again* the importance of the implementation of Part XII of the Convention in order to protect and preserve the marine environment and its living marine resources against pollution and physical degradation, and calls upon all States to cooperate and take measures, directly or through competent international organizations, for the protection and preservation of the marine environment;

55. *Calls upon* all States that have not yet done so to become parties to and implement the 1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and other Matter, 1972,[26] and protect and preserve the marine environment from all sources of pollution and take effective measures, according to their scientific, technical and economic capabilities, to prevent, reduce and where practicable eliminate pollution caused by dumping or incineration at sea of wastes or other matter;

56. *Welcomes* the adoption by the International Maritime Organization of amendments to the International Convention for the Prevention of Pollution from Ships of 1973, as modified by the Protocol of 1978 relating thereto, providing for the accelerated phase-out of single-hull tankers and a phase-out scheme for the carriage of heavy grade fuel oil in single-hull tankers;[27]

57. *Also welcomes* the adoption by the International Maritime Organization of the International Convention for the Control and Management of Ships' Ballast Water and Sediments,[28] and calls upon States to become parties to that Convention;

58. *Calls upon* all States that have not yet done so to become parties to the International Convention on the Control of Harmful Anti-fouling Systems on Ships;[29]

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[21] Resolution 55/25, annex III.
[22] Resolution 55/25, annex II.
[23] Resolution MSC.155(78).
[24] Resolution MSC.153(78).
[25] Resolution MSC.167(78).
[26] IMO/LC.2/Circ.380.
[27] Resolution MEPC.111(50).
[28] Document BWM/CONF/36.
[29] AFS/CONF/26.

59. *Welcomes* the adoption of the Protocol establishing an International Oil Pollution Compensation Supplementary Fund,[30] and calls upon States to become parties to that Protocol;

60. *Encourages* States, in accordance with the Convention and other relevant instruments, either bilaterally or regionally, to jointly develop and promote contingency plans for responding to pollution incidents, as well as other incidents that are likely to have significant adverse effects on the marine environment and biodiversity;

61. *Notes with interest* the decision taken at the fifty-second session of the Marine Environment Protection Committee of the International Maritime Organization to designate the Western European Waters as a particularly sensitive sea area;[31]

62. *Welcomes* the entry into force of the Stockholm Convention on Persistent Organic Pollutants[32] and calls upon all States that have not yet done so to become parties to that Convention;

63. *Calls upon* States to continue to prioritize action on marine pollution from land-based sources as part of their national sustainable development strategies and programmes, in an integrated and inclusive manner, and to advance the implementation of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities and the Montreal Declaration on the Protection of the Marine Environment from Land-based Activities;[33]

64. *Welcomes* the adoption of resolution A.962(23) by the International Maritime Organization on 5 December 2003, entitled "International Maritime Organization Guidelines on Ship Recycling", and calls upon States to follow these Guidelines in order to minimize marine pollution;

65. *Also welcomes* the continued work of States, the United Nations Environment Programme and regional organizations in the implementation of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities, and encourages increased emphasis on the link between freshwater, the coastal zone and marine resources in the implementation of international development goals, including those contained in the Millennium Declaration and of the time-bound targets in the Plan of Implementation of the World Summit on Sustainable Development ("Johannesburg Plan of Implementation"),[34] in particular the target on sanitation, and the Monterrey Consensus of the International Conference on Financing for Development;[35]

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[30] Protocol of 2003 to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1992 (LEG/CONF.14/20).

[31] Resolution MEPC.121(52).

[32] *Registered: 17 May 2004, No. 40214.*

[33] See A/57/57, annex I.B.

[34] *Report of the World Summit on Sustainable Development, Johannesburg, South Africa, 26 August-4 September 2002* (United Nations publication, Sales No. E.03.II.A.1 and corrigendum), chap. I, resolution 2, annex.

[35] *Report of the International Conference on Financing for Development, Monterrey, Mexico, 18-22 March 2002* (United Nations publication, Sales No. E.02.II.A.7), chap. I, resolution 1, annex.

66. *Calls upon* States to implement strategies and programmes for an integrated ecosystem-based approach to management, developed by the Conference of the Parties to the Convention on Biological Diversity,[36] the Food and Agriculture Organization of the United Nations and other relevant global and regional organizations, and urges those organizations to cooperate in the development of practical guidance to assist States in this regard;

67. *Takes note* of part two of the addendum to the report of the Secretary-General on oceans and the law of the sea[37] describing the threats and risks to vulnerable and threatened marine ecosystems and biodiversity in areas beyond national jurisdiction, as well as details of conservation and management measures addressing these issues, prepared pursuant to the request contained in paragraph 52 of resolution 58/240;

68. *Reaffirms* the need for States and competent international organizations to urgently consider ways to integrate and improve, on a scientific basis and in accordance with the Convention and related agreements and instruments, the management of risks to the marine biodiversity of seamounts, cold water corals, hydrothermal vents and certain other underwater features;

69. *Welcomes* decision VII/5 on marine and coastal biological diversity adopted at the seventh meeting of the Conference of the Parties to the Convention on Biological Diversity;

70. *Calls upon* States and international organizations to urgently take action to address, in accordance with international law, destructive practices that have adverse impacts on marine biodiversity and ecosystems, including seamounts, hydrothermal vents and cold water corals;

71. *Welcomes* decision VII/28 adopted at the seventh meeting of the Conference of the Parties to the Convention on Biological Diversity to establish an ad hoc open-ended working group on protected areas, and encourages the participation of oceans experts in the working group;

72. *Reaffirms* the need for States to continue their efforts to develop and facilitate the use of diverse approaches and tools for conserving and managing vulnerable marine ecosystems, including the possible establishment of marine protected areas, consistent with international law and based on the best scientific information available, and the development of representative networks of any such marine protected areas by 2012;

73. *Decides* to establish an Ad Hoc Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction, to:

(a) Survey the past and present activities of the United Nations and other relevant international organizations with regard to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction;

(b) Examine the scientific, technical, economic, legal, environmental, socio-economic and other aspects of these issues;

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[36] United Nations, *Treaty Series*, vol. 1760, No. 30619.

[37] A/59/62/Add.1.

(c) Identify key issues and questions where more detailed background studies would facilitate consideration by States of these issues;

(d) Indicate, where appropriate, possible options and approaches to promote international cooperation and coordination for the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction;

74. *Requests* the Secretary-General to report on the issues referred to in paragraph 73 above in the context of his report on oceans and the law of the sea to the sixtieth session of the General Assembly, in order to assist the Working Group in preparing its agenda, in consultation with all relevant international bodies; to convene the meeting of the Ad Hoc Open-ended Informal Working Group in New York not later than six months after the release of the report, and to arrange support for the performance of its work to be provided by the Division for Ocean Affairs and the Law of the Sea;

75. *Encourages* States to include relevant experts in their delegations attending the meeting of the Working Group;

76. *Recognizes* the importance of making the outcomes of the Working Group widely available;

77. *Urges* States and relevant global and regional bodies to enhance their cooperation in the protection and preservation of mangroves, seagrass beds and coral reefs, including through the exchange of information;

78. *Reiterates its support* for the International Coral Reef Initiative, takes note of the tenth International Coral Reef Symposium, held in Okinawa, Japan, in 2004, supports the work under the Jakarta Mandate on Marine and Coastal Biological Diversity,[38] and the elaborated Programme of Work on Marine and Coastal Biological Diversity,[39] and notes the progress that the International Coral Reef Initiative and other relevant bodies have made to incorporate cold water coral ecosystems into their programmes;

79. *Encourages* States to cooperate, directly or through competent international bodies, in exchanging information in the event of accidents involving foreign vessels on coral reefs and in promoting the development of economic assessment techniques for both restoration and non-use values of coral reef systems;

80. *Emphasizes* the need to mainstream sustainable coral reef management and integrated watershed management into national development strategies, as well as into the activities of relevant United Nations agencies and programmes, international financial institutions and the donor community;

XI. Marine science

81. *Calls upon* States, individually, or in collaboration with each other or with relevant international organizations and bodies, to improve understanding and knowledge of the deep sea, including, in particular, the extent and vulnerability of deep sea biodiversity and ecosystems, by increasing their marine scientific research activities in accordance with the Convention;

[38] See A/51/312, annex II, decision II/10.

[39] UNEP/CBD/COP/7/21, annex, decision VII/5, annex I.

82. *Notes* the potential for gas hydrates as one source for energy development, as well as the possible associated risks, including those in the context of climate change, and encourages States, and, if appropriate, the Authority and the international scientific community to continue to cooperate in deepening the understanding of the issues and in investigating the feasibility, methodology, safety and environmental impacts of its extraction from the seabed, its distribution and its use;

83. *Also notes* the potential for cobalt-rich ferromanganese crusts and polymetallic sulphides as important sources of minerals, and in this context encourages States, the Authority and scientific community to cooperate to explore this potential and to minimize the environmental impacts of the exploration;

XII. Regular process for global reporting and assessment of the state of the marine environment, including socio-economic aspects

84. *Takes note* of the report on the International Workshop on the regular process for global reporting and assessment of the state of the marine environment, including socio-economic aspects,[40] (the "regular process") including its draft conclusions, convened to consider and review the draft document prepared by the group of experts;

85. *Recognizes* the urgent need to initiate a start-up phase, the "Assessment of Assessments", as a preparatory stage towards the establishment of the regular process provided for in the Johannesburg Plan of Implementation,[3] and General Assembly resolutions 57/141 and 58/240;

86. *Requests* the Secretary-General to convene the second International Workshop on the regular process for global reporting and assessment of the state of the marine environment, including socio-economic aspects, from 13 to 15 June 2005 with representatives from States, relevant organizations, agencies and programmes of the United Nations system, other competent intergovernmental organizations and relevant non-governmental organizations, to continue considering issues relating to the establishment of the process, including the scope of the process and a task force to initiate the start-up phase, the "Assessment of Assessments";

87. *Also requests* the Secretary-General to report on progress relating to establishment of the aforementioned regular process in his annual report to the General Assembly at its sixtieth session;

XIII. Regional cooperation

88. *Emphasizes once again* the importance of regional organizations and arrangements for cooperation and coordination in integrated oceans management, and, where there are separate regional structures for different aspects of oceans management, such as environmental protection and conservation of marine ecosystems, fisheries management, navigation, scientific research and maritime delimitation, calls for those different structures, where appropriate, to work together for optimal cooperation and coordination;

89. *Notes* that there have been a number of initiatives at the regional level, in various regions, to further the implementation of the Convention, takes note, in this

[40] A/59/126.

context, of the Caribbean-focused Assistance Fund, which is intended to facilitate, mainly through technical assistance, the voluntary undertaking of maritime delimitation negotiations between Caribbean States, takes note once again of the Fund for Peace: Peaceful Settlement of Territorial Disputes, established by the General Assembly of the Organization of American States in 2000 as a primary mechanism, given its broader regional scope, for the prevention and resolution of pending territorial, land border and maritime boundary disputes, and calls upon States and others in a position to do so to contribute to these funds;

XIV. Open-ended informal consultative process on oceans and the law of the sea

90. *Requests* the Secretary-General to convene the sixth meeting of the Consultative Process in New York from 6 to 10 June 2005 and to provide it with the necessary facilities for the performance of its work and to arrange for support, as appropriate;

91. *Recalls* its decision to further review the effectiveness and utility of the Consultative Process at its sixtieth session;

92. *Recommends* that, in its deliberations on the report of the Secretary-General on oceans and the law of the sea at its meeting, the Consultative Process should organize its discussions around the following areas:

(a) Fisheries and its contribution to sustainable development;

(b) Marine debris;

as well as issues discussed at previous meetings;

XV. Inter-agency coordination and cooperation

93. *Notes* the establishment of the Oceans and Coastal Areas Network (UN-Oceans), a new inter-agency mechanism for coordination and cooperation on issues relating to oceans and coastal issues, called for in paragraph 69 of resolution 58/240;

94. *Urges* the close and continuous involvement in UN-Oceans of all relevant United Nations programmes, funds and the specialized agencies and other organizations of the United Nations system and the participation of international financial institutions, relevant intergovernmental and other organizations, as well as the Authority and the secretariats of multilateral environmental agreements;

95. *Requests* the Secretary-General to bring the present resolution to the attention of heads of intergovernmental organizations, the specialized agencies and funds and programmes of the United Nations engaged in activities relating to ocean affairs and the law of the sea, drawing their attention to paragraphs of particular relevance to them, and underlines the importance of their constructive and timely input for the report of the Secretary-General on oceans and the law of the sea and of their participation in relevant meetings and processes;

96. *Invites* the competent international organizations, as well as funding institutions, to take specific account of the present resolution in their programmes and activities and to contribute to the preparation of the comprehensive report of the Secretary-General on oceans and the law of the sea;

97. *Encourages* the sponsoring organizations of the Joint Group of Experts on the Scientific Aspects of Marine Environmental Protection to continue to support and provide the necessary assistance to the process of restructuring the Group of Experts;

XVI. Activities of the Division for Ocean Affairs and the Law of the Sea

98. *Expresses its appreciation* to the Secretary-General for the annual comprehensive report on oceans and the law of the sea and its addendum,[6] prepared by the Division for Ocean Affairs and the Law of the Sea, as well as for the other activities of the Division, in accordance with the provisions of the Convention and the mandate set forth in resolutions 49/28, 52/26, 54/33 and 56/12 of 28 November 2001;

99. *Requests* the Secretary-General to continue to carry out the responsibilities entrusted to him in the Convention and related resolutions of the General Assembly, including resolutions 49/28 and 52/26, and to ensure that appropriate resources are made available to the Division for Ocean Affairs and the Law of the Sea for the performance of such responsibilities under the approved budget for the Organization;

100. *Invites* Member States and others in a position to do so to support the capacity-building activities of the Division for Ocean Affairs and the Law of the Sea, including, in particular, the training activities to assist developing States in the preparation of their submission to the Commission, and the TRAIN-SEA-COAST Programme of the Division;

XVII. Sixtieth session of the General Assembly

101. *Requests* the Secretary-General to report to the General Assembly at its sixtieth session on the implementation of the present resolution, including other developments and issues relating to ocean affairs and the law of the sea, in connection with his annual comprehensive report on oceans and the law of the sea, and to provide the report in accordance with the modalities set out in resolutions 49/28, 52/26 and 54/33, and also requests the Secretary-General to make the report available, in its current comprehensive format, at least six weeks in advance of the meeting of the Consultative Process;

102. *Notes* that the report referred to in paragraph 101 above will also be presented to States parties pursuant to article 319 of the Convention regarding issues of a general nature that have arisen with respect to the Convention;

103. *Decides* to include in the provisional agenda of its sixtieth session the item entitled "Oceans and the law of the sea".

United Nations A/59/L.22/Add.1

General Assembly

Distr.: Limited
17 November 2004

Original: English

Fifty-ninth session
Agenda item 49 (a)
Oceans and the law of the sea: oceans and the law of the sea

Austria, Brazil, Canada, Cyprus, Czech Republic, Denmark, Fiji, Finland, Iceland, Ireland, Japan, Malta, Marshall Islands, Mexico, Monaco, Namibia, Netherlands, New Zealand, Norway, Portugal, Slovakia, Slovenia, Sri Lanka, Sweden, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

Oceans and the law of the sea

Addendum

Add the following countries to the list of sponsors of the draft resolution:

Australia, Belgium, Belize, Cameroon, Croatia, France, Germany, Greece, Honduras, Hungary, Indonesia, Jamaica, Micronesia (Federated States of), Nicaragua, Papua New Guinea, Poland, Russian Federation, Saint Lucia, Samoa, Spain, Trinidad and Tobago and Ukraine

04-61301 (E) 171104

United Nations A/59/L.23

General Assembly

Distr.: Limited
5 November 2004

Original: English

Fifty-ninth session
Agenda item 49 (b)
Oceans and the law of the sea: sustainable fisheries, including through the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments

Brazil, Canada, Cyprus, Denmark, Fiji, Iceland, Ireland, Marshall Islands, Monaco, Namibia, Netherlands, New Zealand, Norway, Portugal, Tonga, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments

The General Assembly,

Reaffirming its resolutions 46/215 of 20 December 1991, 49/116 and 49/118 of 19 December 1994, 50/25 of 5 December 1995 and 57/142 of 12 December 2002, as well as other resolutions on large-scale pelagic drift-net fishing, unauthorized fishing in zones of national jurisdiction and on the high seas, fisheries by-catch and discards, and other developments, and its resolutions 56/13 of 28 November 2001 and 57/143 of 12 December 2002 on the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks ("the Agreement"),[1] and 58/14 of 21 January 2004 on sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments,

[1] *International Fisheries Instruments with Index* (United Nations publication, Sales No. E.98.V.11), sect. I; see also A/CONF.164/37.

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Recalling the relevant provisions of the United Nations Convention on the Law of the Sea ("the Convention"),[2] and bearing in mind the relationship between the Convention and the Agreement,

Recognizing that, in accordance with the Convention, the Agreement sets forth provisions concerning the conservation and management of straddling fish stocks and highly migratory fish stocks, including provisions on subregional and regional cooperation in enforcement, binding dispute settlement and the rights and obligations of States in authorizing the use of vessels flying their flags for fishing on the high seas, and specific provisions to address the requirements of developing States in relation to conservation and management of straddling fish stocks and highly migratory fish stocks and development of fisheries for such stocks,

Noting that the Code of Conduct for Responsible Fisheries of the Food and Agriculture Organization of the United Nations ("the Code")[3] and its associated international plans of action set out principles and global standards of behaviour for responsible practices for the conservation of fisheries resources and the management and development of fisheries,

Noting with concern that effective management of marine capture fisheries has been made difficult in some areas by unreliable information and data caused by unreported and misreported fish catch and fishing effort and the contribution this lack of data makes to continued overfishing in some areas,

Noting with satisfaction the Strategy for Improving Information on Status and Trends of Capture Fisheries recently adopted by the Food and Agriculture Organization of the United Nations,[4] and recognizing that the long-term improvement of knowledge and understanding of fishery status and trends is a fundamental basis for fisheries policy and management for implementing the Code,

Recognizing the need to implement, as a matter of priority, the Plan of Implementation of the World Summit on Sustainable Development ("Johannesburg Plan of Implementation"),[5] in relation to achieving sustainable fisheries,

Deploring the fact that fish stocks, including straddling fish stocks and highly migratory fish stocks, in many parts of the world are overfished or subject to sparsely regulated and heavy fishing efforts, mainly as a result of, inter alia, unauthorized fishing, inadequate regulatory measures, harmful fisheries subsidies and excess fishing capacity,

Concerned that illegal, unreported and unregulated fishing threatens seriously to deplete populations of certain fish species and to significantly damage marine

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[2] See *The Law of the Sea: Official Texts of the United Nations Convention on the Law of the Sea of 10 December 1982 and of the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 with Index and Excerpts from the Final Act of the Third United Nations Conference on the Law of the Sea* (United Nations publication, Sales No. E.97.V.10).

[3] *International Fisheries Instruments with Index* (United Nations publication, Sales No. E.98.V.11), sect. III.

[4] Food and Agriculture Organization of the United Nations, *Report of the twenty-fifth session of the Committee on Fisheries, Rome, 24-28 February 2003*, appendix H.

[5] *Report of the World Summit on Sustainable Development, Johannesburg, South Africa, 26 August-4 September 2002* (United Nations publication, Sales No. E.03.II.A.1 and corrigendum), chap. I, resolution 2, annex.

ecosystems, to the detriment of sustainable fisheries as well as the food security and the economies of many States, particularly developing States,

Noting with satisfaction resolution 6/2003 of 9 December 2003, adopted by the Conference of the Food and Agriculture Organization of the United Nations, relating to preventing, deterring and eliminating illegal, unreported and unregulated fishing,[6]

Recognizing that the problem of overfishing continues to be exacerbated by inadequate flag State control over fishing vessels, including those fishing for straddling fish stocks and highly migratory fish stocks, and insufficient monitoring, control and surveillance measures,

Recognizing also that the interrelationship between ocean activities, such as shipping and fishing, and environmental issues needs further consideration,

Noting that the contribution of aquaculture to global fish supplies continues to increase its potential in developing countries to enhance local food security and poverty alleviation and meet future demands in fish consumption, bearing in mind article 9.1.4 of the Code,

Calling attention to the circumstances affecting fisheries in many developing States, in particular African States and small island developing States, and recognizing the urgent need for capacity-building to assist such States in meeting their obligations under international instruments and realizing the benefits from fisheries resources,

Noting the obligation of all States, pursuant to the provisions of the Convention, to cooperate in the conservation and management of straddling fish stocks and highly migratory fish stocks, and recognizing the importance of coordination and cooperation at the global, regional, subregional as well as national levels in the areas, inter alia, of data collection, information-sharing, capacity-building and training for the conservation, management and sustainable development of marine living resources,

Recognizing the duty provided in the Convention, the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas ("the Compliance Agreement"),[7] the Agreement and the Code for flag States to exercise effective control over fishing vessels flying their flag and vessels flying their flag which provide support to such vessels, and to ensure that the activities of such vessels do not undermine the effectiveness of conservation and management measures taken in accordance with international law and adopted at the national, subregional, regional or global levels,

Recognizing also the urgent need for action at all levels to ensure the long-term sustainable use and management of fisheries resources through the wide application of a precautionary approach and appropriate measures to reduce pollution and waste, and other factors, such as discards and catch by lost or abandoned gear, which adversely affect fish stocks,

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[6] Food and Agriculture Organization of the United Nations, *Report of the Conference of the Food and Agriculture Organization of the United Nations, Thirty-second Session, Rome, 29 November-9 December 2003* (C2003/REP).

[7] *International Fisheries Instruments with Index* (United Nations publication, Sales No. E.98.V.11), sect. II.

Recognizing further the economic and cultural importance of sharks in many countries, the biological importance of sharks in the marine ecosystem, the vulnerability of some shark species to over-exploitation, the need for measures to promote the long-term sustainability of shark populations and fisheries and the relevance of the International Plan of Action for the Conservation and Management of Sharks, adopted by the Food and Agriculture Organization of the United Nations in 1999, in providing development guidance of such measures,

Reaffirming its support for the initiative of the Food and Agriculture Organization of the United Nations and relevant regional and subregional fisheries management organizations and arrangements on the conservation and management of sharks, while noting with concern that only a small number of countries have implemented the International Plan of Action for the Conservation and Management of Sharks,

Noting with satisfaction the outcomes of the third round of informal consultations of States parties to the Agreement, held in New York on 8 July 2004,

Taking note with appreciation of the report of the Secretary-General on "Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments",[8] including the section outlining current risks to the marine biodiversity of vulnerable marine ecosystems related to fishing activities, and conservation and management measures in place at the global, regional, subregional or national levels addressing these issues, in particular its useful role in gathering and disseminating information on or relating to the sustainable development of the world's marine living resources,

Expressing concern that the practice of large-scale pelagic drift-net fishing remains a threat to marine living resources, although the incidence of this practice has continued to be low in most regions of the world's oceans and seas,

Emphasizing that efforts should be made to ensure that the implementation of resolution 46/215 in some parts of the world does not result in the transfer to other parts of the world of drift nets that contravene the resolution,

Expressing concern, while recognizing considerable efforts to reduce by-catch in longline fishing through various regional fisheries management organizations, at the reports of continued loss of seabirds, particularly albatrosses, as a result of incidental mortality from longline fishing operations, and the loss of other marine species, including sharks, fin-fish species and marine turtles, as a result of incidental mortality,

Welcoming the fact that a growing number of States, and entities referred to in the Convention and in article 1, paragraph 2 (*b*), of the Agreement, as well as regional and subregional fisheries management organizations and arrangements, have taken measures, as appropriate, towards the implementation of the provisions of the Agreement,

Recognizing the significant contribution of sustainable fisheries to food security, income and wealth for present and future generations,

[8] A/59/298.

I

Achieving sustainable fisheries

1. *Reaffirms* the importance it attaches to the long-term conservation, management and sustainable use of the marine living resources of the world's oceans and seas and the obligations of States to cooperate to this end, in accordance with international law, as reflected in the relevant provisions of the Convention,[2] in particular the provisions on cooperation set out in Part V and Part VII, section 2, of the Convention, and where applicable, the Agreement;[1]

2. *Calls upon* all States that have not done so, in order to achieve the goal of universal participation, to become parties to the Convention, which sets out the legal framework within which all activities in the oceans and seas must be carried out, taking into account the relationship between the Convention and the Agreement;

3. *Reaffirms* the importance of the Johannesburg Plan of Implementation in relation to fisheries, in particular the commitment made therein to restore depleted fish stocks on an urgent basis and, where possible, not later than 2015;[9]

4. *Urges* all States to apply the precautionary approach and the ecosystem approach widely to the conservation, management and exploitation of fish stocks, including straddling fish stocks and highly migratory fish stocks, and also calls upon States parties to the Agreement to implement fully the provisions of article 6 of the Agreement as a matter of priority;

II

Implementation of the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks

5. *Calls upon* all States, and entities referred to in the Convention and in article 1, paragraph 2 (*b*), of the Agreement, that have not done so to ratify or accede to the Agreement and in the interim to consider applying it provisionally;

6. *Emphasizes* the importance of the effective implementation of the provisions of the Agreement, including those provisions relating to bilateral, regional and subregional cooperation in enforcement, and urges continued efforts in this regard;

7. *Welcomes* the entry into force of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean on 19 June 2004, and encourages relevant States to become Parties to that Convention in accordance with its terms;

8. *Also welcomes* the inaugural meeting at Swakopmund, Namibia, from 9 to 13 March 2004 of the Commission of the South-East Atlantic Fisheries Organization as well as its continual operationalization and assumption of full competence for the conservation and management of resources that fall under its responsibility within the area of the Convention on the Conservation and

[9] See *Report of the World Summit on Sustainable Development, Johannesburg, South Africa, 26 August-4 September 2002* (United Nations publication, Sales No. E.03.II.A.1 and corrigendum), chap. I, resolution 2, annex, para. 31 (a).

Management of Fishery Resources in the South-East Atlantic Ocean, and encourages signatory States and other States with real interest whose vessels fish in the Convention area for fishery resources covered by that Convention to become parties to that Convention and, in the interim, to consider applying it and the measures adopted thereunder provisionally, to ensure that vessels entitled to fly their flags apply such measures;

9. *Calls upon* all States to ensure that their vessels comply with the conservation and management measures that have been adopted by subregional and regional fisheries management organizations and arrangements in accordance with relevant provisions of the Convention and of the Agreement;

10. *Urges* States parties to the Agreement, in accordance with article 21, paragraph 4, to inform, either directly or through the relevant regional or subregional fisheries management organization or arrangement, all States whose vessels fish on the high seas in the same region or subregion, of the form of identification issued by those States parties to officials duly authorized to carry out boarding and inspection functions in accordance with articles 21 and 22 of the Agreement;

11. *Also urges* States parties to the Agreement, in accordance with article 21, paragraph 4, to designate an appropriate authority to receive notifications pursuant to article 21 and to give due publicity to such designation through the relevant subregional or regional fisheries management organization or arrangement;

12. *Invites* States and international financial institutions and organizations of the United Nations system to provide assistance according to Part VII of the Agreement, including, if appropriate, the development of special financial mechanisms or instruments to assist developing States, in particular the least developed among them and small island developing States, to enable them to develop their national capacity to exploit fishery resources, including developing their domestically flagged fishing fleet, value-added processing and the expansion of their economic base in the fishing industry, consistent with the duty to ensure the proper conservation and management of those fisheries resources;

13. *Recalls* paragraph 10 of its resolution 58/14, in which it decided to establish an Assistance Fund under Part VII of the Agreement to assist developing States parties in the implementation of the Agreement, and encourages States, intergovernmental organizations, international financial institutions, national institutions, non-governmental organizations, as well as natural and juridical persons to make voluntary financial contributions to the Fund;

14. *Notes with satisfaction* the conclusion of an arrangement between the United Nations and the Food and Agriculture Organization of the United Nations regarding the administration of the Assistance Fund;

15. *Emphasizes* the importance of outreach to potential donor organizations to contribute to the programme of assistance, including the Assistance Fund;

16. *Requests* the Secretary-General to convene, pursuant to article 36 of the Agreement, in the first part of 2006 a one-week review conference, with a view to assessing the effectiveness of the Agreement in securing the conservation and management of straddling fish stocks and highly migratory fish stocks, and to

render the necessary assistance and to provide such services as may be required for the review conference;

17. *Also requests* the Secretary-General to present, to the conference, a comprehensive report, prepared in cooperation with the Food and Agriculture Organization of the United Nations, in accordance with paragraph 2 of article 36 of the Agreement;

18. *Recalls* paragraph 6 of its resolution 56/13, and requests the Secretary-General to convene a fourth round of informal consultations of States parties to the Agreement, to consider, principally, but not limited to, issues related to the preparation for the review conference to be convened by the Secretary-General, pursuant to article 36 of the Agreement and making any appropriate recommendation to the General Assembly;

19. *Requests* the Secretary-General to invite States, and entities referred to in the Convention and in article 1, paragraph 2 (*b*), of the Agreement, not party to the Agreement, as well as the United Nations Development Programme, the Food and Agriculture Organization of the United Nations and other specialized agencies, the Commission on Sustainable Development, the World Bank, the Global Environment Facility and other relevant international financial institutions, subregional and regional fisheries management organizations and arrangements, other fisheries bodies, and relevant non-governmental organizations to attend the fourth round of informal consultations of States parties to the Agreement as observers;

III
Related fisheries instruments

20. *Emphasizes* the importance of the effective implementation of the provisions of the Compliance Agreement,[7] and urges continued efforts in this regard;

21. *Calls upon* all States and other entities referred to in article X, paragraph 1, of the Compliance Agreement that have not yet become parties to that Agreement to do so as a matter of priority and, in the interim, to consider applying it provisionally;

22. *Urges* parties to the Compliance Agreement to exchange information in the implementation of that Agreement;

23. *Urges* States and subregional and regional fisheries management organizations and arrangements to implement and promote the application of the Code within their areas of competence;

24. *Urges* States, as a matter of priority, to support implementation of the Strategy for Improving Information on Status and Trends of Capture Fisheries of the Food and Agriculture Organization of the United Nations[4] at the national and regional levels, giving particular emphasis to capacity-building in developing countries;

25. *Also urges* States to develop and implement as a matter of priority national and, as appropriate, regional plans of action to put into effect the international plans of action of the Food and Agriculture Organization of the United Nations;

IV
Illegal, unreported and unregulated fishing

26. *Emphasizes once again* its serious concern that illegal, unreported and unregulated fishing remains one of the greatest threats to marine ecosystems and continues to have serious and major implications for the conservation and management of ocean resources, and renews its call upon States to comply fully with all existing obligations and to combat such fishing and urgently to take all necessary steps to implement the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing of the Food and Agriculture Organization of the United Nations;

27. *Calls upon* States not to permit vessels flying their flag to engage in fishing on the high seas or in areas under the national jurisdiction of other States, unless duly authorized by the authorities of the States concerned and in accordance with the conditions set out in the authorization, without having effective control over their activities, and to take specific measures, including deterring the reflagging of vessels by their nationals, in accordance with the relevant provisions of the Convention, the Agreement and the Compliance Agreement, to control fishing operations by vessels flying their flag;

28. *Affirms* the need to strengthen, where necessary, the international legal framework for intergovernmental cooperation, in particular at the regional and subregional levels, in the management of fish stocks and in combating illegal, unreported and unregulated fishing, in a manner consistent with international law, and for States and entities referred to in the Convention and in article 1, paragraph 2 (*b*), of the Agreement to collaborate in efforts to address these types of fishing activities, including, inter alia, the development and implementation of vessel monitoring systems and the listing of vessels in order to prevent illegal, unreported, and unregulated fishing activities, where appropriate and consistent with international law, trade monitoring schemes, including to collect global catch data, through subregional and regional fisheries management organizations and arrangements;

29. *Encourages* States to consider becoming members of the International Monitoring, Control and Surveillance Network for Fisheries-Related Activities, a voluntary network of monitoring, control and surveillance professionals designed to facilitate exchange of information and to support countries in discharging their obligations pursuant to international agreements, in particular the Compliance Agreement;

30. *Requests* the Secretary-General to report to the General Assembly at its sixty-first session on the study undertaken by the International Maritime Organization, in cooperation with other competent international organizations, following the invitation extended to it in resolutions 58/240 of 23 December 2003 and 58/14, to examine and clarify the role of the genuine link in relation to the duty of flag States to exercise effective control over ships flying their flag, including fishing vessels, and the potential consequences of non-compliance with the duties and obligations of flag States prescribed in the relevant international instruments;

31. *Calls upon* flag and port States to take all measures consistent with international law necessary to prevent the operation of sub-standard vessels and illegal, unreported and unregulated fishing activities;

32. *Encourages* the Food and Agriculture Organization of the United Nations and subregional and regional fisheries management organizations and arrangements to develop further ideas to devise means of discouraging owners and operators from non-compliance with the requirements imposed by flag States in carrying out their duties and obligations under relevant international instruments;

33. *Recognizes* the commitment made in the Johannesburg Plan of Implementation for States urgently to develop and implement national and, where appropriate, regional plans of action, to put into effect by 2004 the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, and to establish effective monitoring, reporting, enforcement and control of fishing vessels, including by flag States, to further the International Plan of Action, and calls upon States to adhere to this commitment as a matter of priority;

34. *Also recognizes* that common means of conducting illegal, unreported and unregulated fishing involves the unreported or misreported transshipments of fish at sea, and urges States, either directly or through relevant subregional and regional fisheries management organizations and arrangements, to establish comprehensive systems, where appropriate, for monitoring and control of transshipments on the high seas;

35. *Urges* relevant regional and subregional fisheries management organizations and arrangements to implement effective measures against illegal, unreported and unregulated fishing, inter alia, by compiling a record of vessels authorized to fish in their area of competence, in accordance with the Code;

36. *Commends* the Food and Agriculture Organization of the United Nations for its activities in combating illegal, unreported and unregulated fishing, including its initiative to organize the intergovernmental technical consultation on the role of the port State in combating illegal, unreported and unregulated fishing, held from 31 August to 2 September 2004, and welcomes the outcomes of those consultations;

37. *Urges* States to eliminate subsidies that contribute to illegal, unreported and unregulated fishing, while completing the efforts undertaken at the World Trade Organization to clarify and improve its disciplines on fisheries subsidies, taking into account the importance of this sector to developing countries;

38. *Recognizes* the need for enhanced port State controls to combat illegal, unreported and unregulated fishing, urges States to cooperate, in particular at the regional level, and through regional and subregional fisheries management organizations and arrangements, as well as through participation, where appropriate, in the efforts of the Food and Agriculture Organization of the United Nations in cooperation with the International Maritime Organization to address substantive issues relating to the role of the port State, noting that such efforts include the elaboration of a draft model scheme on port State measures to prevent, deter and eliminate illegal, unreported and unregulated fishing;

V
Fishing overcapacity

39. *Calls upon* States and relevant regional and subregional fisheries management organizations and arrangements, as a matter of priority, to take effective measures to improve the management of fishing capacity and to put into effect by 2005 the International Plan of Action for the Management of Fishing

Capacity, taking into account the need, through these actions, to avoid the transfer of fishing capacity to other fisheries or areas including, but not limited to, those areas where fish stocks are overexploited or in a depleted condition;

40. *Urges* States to eliminate subsidies that contribute to fishing overcapacity, while completing the efforts undertaken at the World Trade Organization to clarify and improve its disciplines on fisheries subsidies, taking into account the importance of this sector to developing countries;

41. *Notes with satisfaction* that information about more than 5,500 fishing vessels authorized to fish on the high seas has been provided to the Food and Agriculture Organization of the United Nations by at least 17 flag States and entered on the High Seas Vessels Authorization Record established by the Organization in accordance with article VI of the Compliance Agreement and urges those States and other entities referred to in article X, paragraph 1, of the Compliance Agreement that have become parties to it to establish a record of fishing vessels authorized to fish on the high seas and, pursuant to articles IV and VI thereof, to make such a record available to the Organization as a matter of priority, and promptly to notify the Organization of any modifications to such a record;

42. *Calls upon* all States to assist this work of the Food and Agriculture Organization of the United Nations to take measures to halt the increase of large-scale fishing vessels in accordance with the International Plan of Action for the Management of Fishing Capacity;

43. *Welcomes* the significant outcomes of the Intergovernmental Technical Consultation on Illegal, Unreported and Unregulated Fishing and Fleet Overcapacity of the Food and Agriculture Organization of the United Nations, held from 24 to 29 June 2004, which recommended specific actions to the Committee on Fisheries of the Food and Agriculture Organization of the United Nations, and other relevant regional and subregional fisheries management organizations and arrangements with regard to illegal, unreported and unregulated fishing and fishing overcapacity and also suggested measures to be taken by States and fishing entities regarding expanding fishing capacity by certain fishing operations in the Central and Western Pacific Ocean;

VI
Large-scale pelagic drift-net fishing

44. *Reaffirms* the importance it attaches to continued compliance with its resolution 46/215 and other subsequent resolutions on large-scale pelagic drift-net fishing, and urges States and entities referred to in the Convention and in article 1, paragraph 2 (*b*), of the Agreement to enforce fully the measures recommended in those resolutions;

VII
Fisheries by-catch and discards

45. *Urges* States, relevant international organizations and regional and subregional fisheries management organizations and arrangements that have not done so to take action to reduce or eliminate by-catch, catch by lost or abandoned gear, fish discards and post-harvest losses, including juvenile fish, consistent with international law and relevant international instruments, including the Code, and in

particular to consider measures including, as appropriate, technical measures related to fish size, mesh size or gear, discards, closed seasons and areas and zones reserved for selected fisheries, particularly artisanal fisheries, the establishment of mechanisms for communicating information on areas of high concentration of juvenile fish, taking into account the importance of ensuring confidentiality of such information, and support for studies and research that will reduce or eliminate by-catch of juvenile fish;

46. *Encourages* States and entities referred to in the Convention and in article 1, paragraph 2 (*b*), of the Agreement to give due consideration to participation, as appropriate, in regional and subregional organizations with mandates to conserve non-target species taken incidentally in fishing operations, and notes in particular the Inter-American Convention for the Protection and Conservation of Sea Turtles and Their Habitats, regional sea turtle conservation instruments in the West African, the wider Caribbean, and the Indian Ocean/South-East Asia regions, the work of the Southeast Asian Fisheries Development Centre on turtle conservation and management, the Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas,[10] and the Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and Contiguous Atlantic Area in this regard;

47. *Notes with satisfaction* the entry into force on 1 February 2004 of the Agreement for the Conservation of Albatrosses and Petrels under the Convention on the Conservation of Migratory Species of Wild Animals and encourages relevant States which have not already done so to become parties to that Agreement in accordance with its terms;

48. *Also notes with satisfaction* the activities of the Food and Agriculture Organization of the United Nations, in cooperation with relevant United Nations agencies and programmes, in particular the United Nations Environment Programme and the Global Environment Facility, aimed at promoting the reduction of by-catch and discards in fisheries activities;

49. *Notes* the Technical Consultation on Sea Turtle Conservation and Fisheries to be organized by the Food and Agriculture Organization of the United Nations from 29 November to 2 December 2004, and encourages States to participate actively in this work;

VIII
Subregional and regional cooperation

50. *Urges* coastal States and States fishing on the high seas, in accordance with the Convention and the Agreement, to pursue cooperation in relation to straddling fish stocks and highly migratory fish stocks, either directly or through appropriate subregional or regional fisheries management organizations or arrangements, to ensure the effective conservation and management of such stocks;

51. *Encourages* States fishing for straddling fish stocks and highly migratory fish stocks on the high seas, and relevant coastal States, where a subregional or regional fisheries management organization or arrangement has the competence to establish conservation and management measures for such stocks, to give effect to

[10] United Nations, *Treaty Series*, vol. 1772, No. 30865.

their duty to cooperate by becoming members of such an organization or participants in such an arrangement, or by agreeing to apply the conservation and management measures established by such an organization or arrangement;

52. *Invites*, in this regard, subregional and regional fisheries management organizations and arrangements to ensure that all States having a real interest in the fisheries concerned may become members of such organizations or participants in such arrangements, in accordance with the Convention and the Agreement;

53. *Encourages* relevant coastal States and States fishing on the high seas for a straddling fish stock or a highly migratory fish stock, where there is no subregional or regional fisheries management organization or arrangement to establish conservation and management measures for such stock, to cooperate to establish such an organization or enter into another appropriate arrangement to ensure the conservation and management of such stocks, and to participate in the work of the organization or arrangement;

54. *Welcomes* the initiation of negotiations and ongoing preparatory work to establish regional and subregional fisheries management organizations or arrangements in several fisheries, and urges participants in those negotiations to apply provisions of the Convention and the Agreement to their work;

55. *Notes with satisfaction* in this regard the recent recommendation of the Western Central Atlantic Fisheries Commission that established an intersessional working group tasked to study the feasibility of strengthening regional fisheries management in that region, encourages relevant States and organizations to work actively to fulfil the recommendation, and notes the important contribution of the Caribbean Regional Fisheries Mechanism to this process;

56. *Encourages* States to develop ocean policies and mechanisms on integrated management, including at the subregional and regional levels, and also including assistance to developing States in accomplishing these objectives, as well as by promoting improved cooperation between regional fisheries management organizations and other regional entities, such as the United Nations Environment Programme regional seas programmes and conventions;

57. *Encourages* subregional or regional fisheries management organizations or arrangements and States and entities referred to in the Convention and in article 1, paragraph 2 (*b*), of the Agreement that are members of or participate in such organizations or arrangements, to consider adopting, where appropriate and in accordance with international law, conservation and management measures for fish stocks that fall within the competence of such organizations and or arrangements but are not yet managed by them, in particular for those stocks that have vulnerable life histories, scientific data indicate are in decline and/or are subject to an international plan of action of the Food and Agriculture Organization of the United Nations;

IX
Responsible fisheries in the marine ecosystem

58. *Encourages* States to apply by 2010 the ecosystem approach, notes the Reykjavik Declaration on Responsible Fisheries in the Marine Ecosystem[11] and

[11] E/CN.17/2002/PC.2/3, annex.

Decision VII/11[12] and other relevant decisions of the Conference of the Parties to the Convention on Biological Diversity, notes the work of the Food and Agriculture Organization of the United Nations related to guidelines for the implementation of the ecosystem approach to fisheries management, and also notes the importance to this approach of relevant provisions of the Agreement and the Code;

59. *Also encourages* States to increase scientific research in accordance with international law on the marine ecosystem;

60. *Calls upon* States, the Food and Agricultural Organization of the United Nations, the International Maritime Organization, the United Nations Environment Programme, in particular its Regional Seas programme, regional and subregional fisheries management organizations and arrangements and other appropriate intergovernmental organizations that have not yet done so to take action to address the issue of lost or abandoned fishing gear and related marine debris, including through the collection of data on gear loss, economic costs to fisheries and other sectors, and the impact on marine ecosystems;

61. *Requests* the Secretary-General, in his next report concerning fisheries, to include information on the actions taken by the Food and Agriculture Organization of the United Nations, the United Nations Environment Programme, in particular its Regional Seas programme, the International Maritime Organization, regional and subregional fisheries management organizations and arrangements, and other appropriate intergovernmental organizations to give effect to paragraph 60 above;

62. *Urges* States to ratify and implement relevant international agreements, including annex V to the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto;

63. *Calls upon* States, where relevant, to establish systems for retrieving lost gear and nets;

64. *Notes* that 2005 will mark the ten-year anniversary of the adoption of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities,[13] and urges all States to implement the Global Programme of Action and to accelerate activity to safeguard the marine ecosystem, including fish stocks, against pollution and physical degradation;

65. *Calls upon* States, the Food and Agriculture Organization of the United Nations and other specialized agencies of the United Nations, subregional and regional fisheries management organizations and arrangements, where appropriate, and other appropriate intergovernmental bodies, to cooperate in achieving sustainable aquaculture, including through information exchange, developing equivalent standards on such issues as aquatic animal health and human health and safety concerns, assessing the potential positive and negative impacts of aquaculture, including socio-economics, on the marine and coastal environment, including biodiversity, and adopting relevant methods and techniques to minimize and mitigate adverse effects;

[12] See UNEP/CBD/COP/7/21, annex.

[13] A/51/116, annex II.

66. *Calls upon* States, either by themselves or through regional fisheries management organizations or arrangements, where these are competent to do so, to take action urgently on, and to consider on a case-by-case basis and on a scientific basis, including the application of the precautionary approach, the interim prohibition of destructive fishing practices, including bottom trawling, that have an adverse impact on vulnerable marine ecosystems, including seamounts, hydrothermal vents and cold-water corals located beyond national jurisdiction, until such time as appropriate conservation and management measures have been adopted in accordance with international law;

67. *Calls upon* regional fisheries management organizations or arrangements with the competence to regulate bottom fisheries urgently to adopt, in their regulatory areas, appropriate conservation and management measures, in accordance with international law, to address the impact of destructive fishing practices, including bottom trawling, that have an adverse impact on vulnerable marine ecosystems, and to ensure compliance with such measures;

68. *Calls upon* members of regional fisheries management organizations or arrangements without the competence to regulate bottom fisheries and the impacts of fishing on vulnerable marine ecosystems to expand the competence, where appropriate, of their organizations or arrangements in this regard;

69. *Calls upon* States urgently to cooperate in the establishment of new regional fisheries management organizations or arrangements, where necessary and appropriate, with the competence to regulate bottom fisheries and the impacts of fishing on vulnerable marine ecosystems in areas where no such relevant organization or arrangement exists;

70. *Requests* the Secretary-General, in cooperation with the Food and Agriculture Organization of the United Nations, to include in his next report concerning fisheries, a section on the actions taken by States and regional fisheries management organizations and arrangements to give effect to paragraphs 66 to 69 above in order to facilitate discussion of the matters covered in those paragraphs;

71. *Agrees* to review within two years progress on action taken in response to the requests made in paragraphs 66 to 69 above with a view to further recommendations, where necessary, in areas where arrangements are inadequate;

72. *Calls upon* States, the Food and Agriculture Organization of the United Nations and subregional or regional fisheries management organizations and arrangements to implement fully the International Plan of Action for the Conservation and Management of Sharks as a matter of priority, inter alia, by conducting assessments of shark stocks and developing and implementing national plans of action, recognizing the need of some States, in particular developing States, for assistance in this regard;

73. *Urges* States, including those working through subregional or regional fisheries management organizations and arrangements in implementing the International Plan of Action for the Conservation and Management of Sharks, to collect scientific data regarding shark catches and to consider adopting conservation and management measures, particularly where shark catches from directed and non-directed fisheries have a significant impact on vulnerable or threatened shark stocks, in order to ensure the conservation and management of sharks and their long-term sustainable use, including by banning directed shark fisheries conducted solely for

the purpose of harvesting shark fins and by taking measures for other fisheries to minimize waste and discards from shark catches, and to encourage the full use of dead sharks;

74. *Requests* the Food and Agriculture Organization of the United Nations to develop programmes to assist States, including developing States, in carrying out the tasks mentioned in paragraph 73 above, in particular the adoption of appropriate conservation and management measures, including the banning of directed shark fisheries conducted solely for the purpose of harvesting shark fins;

75. *Reaffirms* the requests contained in paragraph 50 of its resolution 58/14, and invites the Food and Agriculture Organization of the United Nations to report to the Secretary-General, for inclusion in his report on sustainable fisheries, on progress regarding the preparation of the study mentioned therein, as well as the programmes mentioned in paragraph 74 above, and to consider at the sixty-second session of the General Assembly whether additional action is required;

X
Capacity-building

76. *Reiterates* the crucial importance of cooperation by States directly or, as appropriate, through the relevant regional and subregional organizations, and by other international organizations, including the Food and Agriculture Organization of the United Nations through its FishCODE programme, including through financial and/or technical assistance, in accordance with the Agreement, the Compliance Agreement, the Code and the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing and the International Plan of Action for the Conservation and Management of Sharks, to increase the capacity of developing States to achieve the goals and implement the actions called for in the present resolution;

77. *Invites* States and relevant intergovernmental organizations to develop projects, programmes and partnerships with relevant stakeholders and mobilize resources for the effective implementation of the outcome of the African Process for the Protection and Development of the Marine and Coastal Environment, and to consider the inclusion of fisheries components in this work;

78. *Also invites* States and relevant intergovernmental organizations to further implement sustainable fisheries management and improve financial returns from fisheries by supporting and strengthening relevant regional fisheries management organizations, as appropriate, such as the Caribbean Regional Fisheries Mechanism and such agreements as the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific;

XI
Cooperation within the United Nations system

79. *Requests* the relevant parts of the United Nations system, international financial institutions and donor agencies to support increased enforcement and compliance capabilities for regional fisheries management organizations and their member States;

80. *Invites* the Food and Agriculture Organization of the United Nations to continue its cooperative arrangements with United Nations agencies on the

implementation of the international plans of action and to report to the Secretary-General, for inclusion in his annual report on sustainable fisheries, on priorities for cooperation and coordination in this work;

81. *Also invites* the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs of the Secretariat, the Food and Agriculture Organization of the United Nations and other relevant bodies of the United Nations system to consult and cooperate in the preparation of questionnaires designed to collect information on sustainable fisheries in order to avoid duplication;

XII
Sixtieth session of the General Assembly

82. *Requests* the Secretary-General to bring the present resolution to the attention of all members of the international community, relevant intergovernmental organizations, the organizations and bodies of the United Nations system, regional and subregional fisheries management organizations and relevant non-governmental organizations, and to invite them to provide the Secretary-General with information relevant to the implementation of the present resolution;

83. *Also requests* the Secretary-General to submit to the General Assembly at its sixtieth session a report on "Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments", taking into account information provided by States, relevant specialized agencies, in particular the Food and Agriculture Organization of the United Nations, and other appropriate organs, organizations and programmes of the United Nations system, regional and subregional organizations and arrangements for the conservation and management of straddling fish stocks and highly migratory fish stocks, as well as other relevant intergovernmental bodies and non-governmental organizations, and consisting, inter alia, of elements provided in relevant paragraphs in the present resolution;

84. *Decides* to include in the provisional agenda of its sixtieth session, under the item entitled "Oceans and the law of the sea", a sub-item entitled "Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments".

United Nations A/59/L.23*

General Assembly

Distr.: Limited
10 November 2004

Original: English

Fifty-ninth session
Agenda item 49 (b)
Oceans and the law of the sea: sustainable fisheries, including through the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments

Austria, Brazil, Canada, Cyprus, Denmark, Fiji, Finland, Iceland, Ireland, Malta, Marshall Islands, Monaco, Namibia, Netherlands, New Zealand, Norway, Portugal, Sweden, Tonga, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments

The General Assembly,

Reaffirming its resolutions 46/215 of 20 December 1991, 49/116 and 49/118 of 19 December 1994, 50/25 of 5 December 1995 and 57/142 of 12 December 2002, as well as other resolutions on large-scale pelagic drift-net fishing, unauthorized fishing in zones of national jurisdiction and on the high seas, fisheries by-catch and discards, and other developments, and its resolutions 56/13 of 28 November 2001 and 57/143 of 12 December 2002 on the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks ("the Agreement"),[1] and 58/14 of 21 January 2004 on sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments,

* Reissued for technical reasons.

[1] *International Fisheries Instruments with Index* (United Nations publication, Sales No. E.98.V.11), sect. I; see also A/CONF.164/37.

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Recalling the relevant provisions of the United Nations Convention on the Law of the Sea ("the Convention"),[2] and bearing in mind the relationship between the Convention and the Agreement,

Recognizing that, in accordance with the Convention, the Agreement sets forth provisions concerning the conservation and management of straddling fish stocks and highly migratory fish stocks, including provisions on subregional and regional cooperation in enforcement, binding dispute settlement and the rights and obligations of States in authorizing the use of vessels flying their flags for fishing on the high seas, and specific provisions to address the requirements of developing States in relation to conservation and management of straddling fish stocks and highly migratory fish stocks and development of fisheries for such stocks,

Noting that the Code of Conduct for Responsible Fisheries of the Food and Agriculture Organization of the United Nations ("the Code")[3] and its associated international plans of action set out principles and global standards of behaviour for responsible practices for the conservation of fisheries resources and the management and development of fisheries,

Noting with concern that effective management of marine capture fisheries has been made difficult in some areas by unreliable information and data caused by unreported and misreported fish catch and fishing effort and the contribution this lack of data makes to continued overfishing in some areas,

Noting with satisfaction the Strategy for Improving Information on Status and Trends of Capture Fisheries recently adopted by the Food and Agriculture Organization of the United Nations,[4] and recognizing that the long-term improvement of knowledge and understanding of fishery status and trends is a fundamental basis for fisheries policy and management for implementing the Code,

Recognizing the need to implement, as a matter of priority, the Plan of Implementation of the World Summit on Sustainable Development ("Johannesburg Plan of Implementation"),[5] in relation to achieving sustainable fisheries,

Deploring the fact that fish stocks, including straddling fish stocks and highly migratory fish stocks, in many parts of the world are overfished or subject to sparsely regulated and heavy fishing efforts, mainly as a result of, inter alia, unauthorized fishing, inadequate regulatory measures, harmful fisheries subsidies and excess fishing capacity,

Concerned that illegal, unreported and unregulated fishing threatens seriously to deplete populations of certain fish species and to significantly damage marine

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[2] See *The Law of the Sea: Official Texts of the United Nations Convention on the Law of the Sea of 10 December 1982 and of the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 with Index and Excerpts from the Final Act of the Third United Nations Conference on the Law of the Sea* (United Nations publication, Sales No. E.97.V.10).

[3] *International Fisheries Instruments with Index* (United Nations publication, Sales No. E.98.V.11), sect. III.

[4] Food and Agriculture Organization of the United Nations, *Report of the twenty-fifth session of the Committee on Fisheries, Rome, 24-28 February 2003*, appendix H.

[5] *Report of the World Summit on Sustainable Development, Johannesburg, South Africa, 26 August-4 September 2002* (United Nations publication, Sales No. E.03.II.A.1 and corrigendum), chap. I, resolution 2, annex.

ecosystems, to the detriment of sustainable fisheries as well as the food security and the economies of many States, particularly developing States,

Noting with satisfaction resolution 6/2003 of 9 December 2003, adopted by the Conference of the Food and Agriculture Organization of the United Nations, relating to preventing, deterring and eliminating illegal, unreported and unregulated fishing,[6]

Recognizing that the problem of overfishing continues to be exacerbated by inadequate flag State control over fishing vessels, including those fishing for straddling fish stocks and highly migratory fish stocks, and insufficient monitoring, control and surveillance measures,

Recognizing also that the interrelationship between ocean activities, such as shipping and fishing, and environmental issues needs further consideration,

Noting that the contribution of aquaculture to global fish supplies continues to increase its potential in developing countries to enhance local food security and poverty alleviation and meet future demands in fish consumption, bearing in mind article 9.1.4 of the Code,

Calling attention to the circumstances affecting fisheries in many developing States, in particular African States and small island developing States, and recognizing the urgent need for capacity-building to assist such States in meeting their obligations under international instruments and realizing the benefits from fisheries resources,

Noting the obligation of all States, pursuant to the provisions of the Convention, to cooperate in the conservation and management of straddling fish stocks and highly migratory fish stocks, and recognizing the importance of coordination and cooperation at the global, regional, subregional as well as national levels in the areas, inter alia, of data collection, information-sharing, capacity-building and training for the conservation, management and sustainable development of marine living resources,

Recognizing the duty provided in the Convention, the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas ("the Compliance Agreement"),[7] the Agreement and the Code for flag States to exercise effective control over fishing vessels flying their flag and vessels flying their flag which provide support to such vessels, and to ensure that the activities of such vessels do not undermine the effectiveness of conservation and management measures taken in accordance with international law and adopted at the national, subregional, regional or global levels,

Recognizing also the urgent need for action at all levels to ensure the long-term sustainable use and management of fisheries resources through the wide application of a precautionary approach and appropriate measures to reduce pollution and waste, and other factors, such as discards and catch by lost or abandoned gear, which adversely affect fish stocks,

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[6] Food and Agriculture Organization of the United Nations, *Report of the Conference of the Food and Agriculture Organization of the United Nations, Thirty-second Session, Rome, 29 November-9 December 2003* (C2003/REP).

[7] *International Fisheries Instruments with Index* (United Nations publication, Sales No. E.98.V.11), sect. II.

Recognizing further the economic and cultural importance of sharks in many countries, the biological importance of sharks in the marine ecosystem, the vulnerability of some shark species to over-exploitation, the need for measures to promote the long-term sustainability of shark populations and fisheries and the relevance of the International Plan of Action for the Conservation and Management of Sharks, adopted by the Food and Agriculture Organization of the United Nations in 1999, in providing development guidance of such measures,

Reaffirming its support for the initiative of the Food and Agriculture Organization of the United Nations and relevant regional and subregional fisheries management organizations and arrangements on the conservation and management of sharks, while noting with concern that only a small number of countries have implemented the International Plan of Action for the Conservation and Management of Sharks,

Noting with satisfaction the outcomes of the third round of informal consultations of States parties to the Agreement, held in New York on 8 July 2004,

Taking note with appreciation of the report of the Secretary-General on "Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments",[8] including the section outlining current risks to the marine biodiversity of vulnerable marine ecosystems related to fishing activities, and conservation and management measures in place at the global, regional, subregional or national levels addressing these issues, in particular its useful role in gathering and disseminating information on or relating to the sustainable development of the world's marine living resources,

Expressing concern that the practice of large-scale pelagic drift-net fishing remains a threat to marine living resources, although the incidence of this practice has continued to be low in most regions of the world's oceans and seas,

Emphasizing that efforts should be made to ensure that the implementation of resolution 46/215 in some parts of the world does not result in the transfer to other parts of the world of drift nets that contravene the resolution,

Expressing concern, while recognizing considerable efforts to reduce by-catch in longline fishing through various regional fisheries management organizations, at the reports of continued loss of seabirds, particularly albatrosses, as a result of incidental mortality from longline fishing operations, and the loss of other marine species, including sharks, fin-fish species and marine turtles, as a result of incidental mortality,

Welcoming the fact that a growing number of States, and entities referred to in the Convention and in article 1, paragraph 2 (*b*), of the Agreement, as well as regional and subregional fisheries management organizations and arrangements, have taken measures, as appropriate, towards the implementation of the provisions of the Agreement,

Recognizing the significant contribution of sustainable fisheries to food security, income and wealth for present and future generations,

[8] A/59/298.

I

Achieving sustainable fisheries

1. *Reaffirms* the importance it attaches to the long-term conservation, management and sustainable use of the marine living resources of the world's oceans and seas and the obligations of States to cooperate to this end, in accordance with international law, as reflected in the relevant provisions of the Convention,[2] in particular the provisions on cooperation set out in Part V and Part VII, section 2, of the Convention, and where applicable, the Agreement;[1]

2. *Calls upon* all States that have not done so, in order to achieve the goal of universal participation, to become parties to the Convention, which sets out the legal framework within which all activities in the oceans and seas must be carried out, taking into account the relationship between the Convention and the Agreement;

3. *Reaffirms* the importance of the Johannesburg Plan of Implementation in relation to fisheries, in particular the commitment made therein to restore depleted fish stocks on an urgent basis and, where possible, not later than 2015;[9]

4. *Urges* all States to apply the precautionary approach and the ecosystem approach widely to the conservation, management and exploitation of fish stocks, including straddling fish stocks and highly migratory fish stocks, and also calls upon States parties to the Agreement to implement fully the provisions of article 6 of the Agreement as a matter of priority;

II

Implementation of the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks

5. *Calls upon* all States, and entities referred to in the Convention and in article 1, paragraph 2 (*b*), of the Agreement, that have not done so to ratify or accede to the Agreement and in the interim to consider applying it provisionally;

6. *Emphasizes* the importance of the effective implementation of the provisions of the Agreement, including those provisions relating to bilateral, regional and subregional cooperation in enforcement, and urges continued efforts in this regard;

7. *Welcomes* the entry into force of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean on 19 June 2004, and encourages relevant States to become Parties to that Convention in accordance with its terms;

8. *Also welcomes* the inaugural meeting at Swakopmund, Namibia, from 9 to 13 March 2004 of the Commission of the South-East Atlantic Fisheries Organization as well as its continual operationalization and assumption of full competence for the conservation and management of resources that fall under its responsibility within the area of the Convention on the Conservation and

[9] See *Report of the World Summit on Sustainable Development, Johannesburg, South Africa, 26 August-4 September 2002* (United Nations publication, Sales No. E.03.II.A.1 and corrigendum), chap. I, resolution 2, annex, para. 31 (a).

Management of Fishery Resources in the South-East Atlantic Ocean, and encourages signatory States and other States with real interest whose vessels fish in the Convention area for fishery resources covered by that Convention to become parties to that Convention and, in the interim, to consider applying it and the measures adopted thereunder provisionally, to ensure that vessels entitled to fly their flags apply such measures;

9. *Calls upon* all States to ensure that their vessels comply with the conservation and management measures that have been adopted by subregional and regional fisheries management organizations and arrangements in accordance with relevant provisions of the Convention and of the Agreement;

10. *Urges* States parties to the Agreement, in accordance with article 21, paragraph 4, to inform, either directly or through the relevant regional or subregional fisheries management organization or arrangement, all States whose vessels fish on the high seas in the same region or subregion, of the form of identification issued by those States parties to officials duly authorized to carry out boarding and inspection functions in accordance with articles 21 and 22 of the Agreement;

11. *Also urges* States parties to the Agreement, in accordance with article 21, paragraph 4, to designate an appropriate authority to receive notifications pursuant to article 21 and to give due publicity to such designation through the relevant subregional or regional fisheries management organization or arrangement;

12. *Invites* States and international financial institutions and organizations of the United Nations system to provide assistance according to Part VII of the Agreement, including, if appropriate, the development of special financial mechanisms or instruments to assist developing States, in particular the least developed among them and small island developing States, to enable them to develop their national capacity to exploit fishery resources, including developing their domestically flagged fishing fleet, value-added processing and the expansion of their economic base in the fishing industry, consistent with the duty to ensure the proper conservation and management of those fisheries resources;

13. *Recalls* paragraph 10 of its resolution 58/14, in which it decided to establish an Assistance Fund under Part VII of the Agreement to assist developing States parties in the implementation of the Agreement, and encourages States, intergovernmental organizations, international financial institutions, national institutions, non-governmental organizations, as well as natural and juridical persons to make voluntary financial contributions to the Fund;

14. *Notes with satisfaction* the conclusion of an arrangement between the United Nations and the Food and Agriculture Organization of the United Nations regarding the administration of the Assistance Fund;

15. *Emphasizes* the importance of outreach to potential donor organizations to contribute to the programme of assistance, including the Assistance Fund;

16. *Requests* the Secretary-General to convene, pursuant to article 36 of the Agreement, in the first part of 2006 a one-week review conference, with a view to assessing the effectiveness of the Agreement in securing the conservation and management of straddling fish stocks and highly migratory fish stocks, and to

render the necessary assistance and to provide such services as may be required for the review conference;

17. *Also requests* the Secretary-General to present, to the conference, a comprehensive report, prepared in cooperation with the Food and Agriculture Organization of the United Nations, in accordance with paragraph 2 of article 36 of the Agreement;

18. *Recalls* paragraph 6 of its resolution 56/13, and requests the Secretary-General to convene a fourth round of informal consultations of States parties to the Agreement, to consider, principally, but not limited to, issues related to the preparation for the review conference to be convened by the Secretary-General, pursuant to article 36 of the Agreement and making any appropriate recommendation to the General Assembly;

19. *Requests* the Secretary-General to invite States, and entities referred to in the Convention and in article 1, paragraph 2 (*b*), of the Agreement, not party to the Agreement, as well as the United Nations Development Programme, the Food and Agriculture Organization of the United Nations and other specialized agencies, the Commission on Sustainable Development, the World Bank, the Global Environment Facility and other relevant international financial institutions, subregional and regional fisheries management organizations and arrangements, other fisheries bodies, and relevant non-governmental organizations to attend the fourth round of informal consultations of States parties to the Agreement as observers;

III
Related fisheries instruments

20. *Emphasizes* the importance of the effective implementation of the provisions of the Compliance Agreement,[7] and urges continued efforts in this regard;

21. *Calls upon* all States and other entities referred to in article X, paragraph 1, of the Compliance Agreement that have not yet become parties to that Agreement to do so as a matter of priority and, in the interim, to consider applying it provisionally;

22. *Urges* parties to the Compliance Agreement to exchange information in the implementation of that Agreement;

23. *Urges* States and subregional and regional fisheries management organizations and arrangements to implement and promote the application of the Code within their areas of competence;

24. *Urges* States, as a matter of priority, to support implementation of the Strategy for Improving Information on Status and Trends of Capture Fisheries of the Food and Agriculture Organization of the United Nations[4] at the national and regional levels, giving particular emphasis to capacity-building in developing countries;

25. *Also urges* States to develop and implement as a matter of priority national and, as appropriate, regional plans of action to put into effect the international plans of action of the Food and Agriculture Organization of the United Nations;

IV
Illegal, unreported and unregulated fishing

26. *Emphasizes once again* its serious concern that illegal, unreported and unregulated fishing remains one of the greatest threats to marine ecosystems and continues to have serious and major implications for the conservation and management of ocean resources, and renews its call upon States to comply fully with all existing obligations and to combat such fishing and urgently to take all necessary steps to implement the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing of the Food and Agriculture Organization of the United Nations;

27. *Calls upon* States not to permit vessels flying their flag to engage in fishing on the high seas or in areas under the national jurisdiction of other States, unless duly authorized by the authorities of the States concerned and in accordance with the conditions set out in the authorization, without having effective control over their activities, and to take specific measures, including deterring the reflagging of vessels by their nationals, in accordance with the relevant provisions of the Convention, the Agreement and the Compliance Agreement, to control fishing operations by vessels flying their flag;

28. *Affirms* the need to strengthen, where necessary, the international legal framework for intergovernmental cooperation, in particular at the regional and subregional levels, in the management of fish stocks and in combating illegal, unreported and unregulated fishing, in a manner consistent with international law, and for States and entities referred to in the Convention and in article 1, paragraph 2 (*b*), of the Agreement to collaborate in efforts to address these types of fishing activities, including, inter alia, the development and implementation of vessel monitoring systems and the listing of vessels in order to prevent illegal, unreported, and unregulated fishing activities, where appropriate and consistent with international law, trade monitoring schemes, including to collect global catch data, through subregional and regional fisheries management organizations and arrangements;

29. *Encourages* States to consider becoming members of the International Monitoring, Control and Surveillance Network for Fisheries-Related Activities, a voluntary network of monitoring, control and surveillance professionals designed to facilitate exchange of information and to support countries in discharging their obligations pursuant to international agreements, in particular the Compliance Agreement;

30. *Requests* the Secretary-General to report to the General Assembly at its sixty-first session on the study undertaken by the International Maritime Organization, in cooperation with other competent international organizations, following the invitation extended to it in resolutions 58/240 of 23 December 2003 and 58/14, to examine and clarify the role of the genuine link in relation to the duty of flag States to exercise effective control over ships flying their flag, including fishing vessels, and the potential consequences of non-compliance with the duties and obligations of flag States prescribed in the relevant international instruments;

31. *Calls upon* flag and port States to take all measures consistent with international law necessary to prevent the operation of sub-standard vessels and illegal, unreported and unregulated fishing activities;

32. *Encourages* the Food and Agriculture Organization of the United Nations and subregional and regional fisheries management organizations and arrangements to develop further ideas to devise means of discouraging owners and operators from non-compliance with the requirements imposed by flag States in carrying out their duties and obligations under relevant international instruments;

33. *Recognizes* the commitment made in the Johannesburg Plan of Implementation for States urgently to develop and implement national and, where appropriate, regional plans of action, to put into effect by 2004 the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, and to establish effective monitoring, reporting, enforcement and control of fishing vessels, including by flag States, to further the International Plan of Action, and calls upon States to adhere to this commitment as a matter of priority;

34. *Also recognizes* that common means of conducting illegal, unreported and unregulated fishing involves the unreported or misreported transshipments of fish at sea, and urges States, either directly or through relevant subregional and regional fisheries management organizations and arrangements, to establish comprehensive systems, where appropriate, for monitoring and control of transshipments on the high seas;

35. *Urges* relevant regional and subregional fisheries management organizations and arrangements to implement effective measures against illegal, unreported and unregulated fishing, inter alia, by compiling a record of vessels authorized to fish in their area of competence, in accordance with the Code;

36. *Commends* the Food and Agriculture Organization of the United Nations for its activities in combating illegal, unreported and unregulated fishing, including its initiative to organize the intergovernmental technical consultation on the role of the port State in combating illegal, unreported and unregulated fishing, held from 31 August to 2 September 2004, and welcomes the outcomes of those consultations;

37. *Urges* States to eliminate subsidies that contribute to illegal, unreported and unregulated fishing, while completing the efforts undertaken at the World Trade Organization to clarify and improve its disciplines on fisheries subsidies, taking into account the importance of this sector to developing countries;

38. *Recognizes* the need for enhanced port State controls to combat illegal, unreported and unregulated fishing, urges States to cooperate, in particular at the regional level, and through regional and subregional fisheries management organizations and arrangements, as well as through participation, where appropriate, in the efforts of the Food and Agriculture Organization of the United Nations in cooperation with the International Maritime Organization to address substantive issues relating to the role of the port State, noting that such efforts include the elaboration of a draft model scheme on port State measures to prevent, deter and eliminate illegal, unreported and unregulated fishing;

V
Fishing overcapacity

39. *Calls upon* States and relevant regional and subregional fisheries management organizations and arrangements, as a matter of priority, to take effective measures to improve the management of fishing capacity and to put into effect by 2005 the International Plan of Action for the Management of Fishing

Capacity, taking into account the need, through these actions, to avoid the transfer of fishing capacity to other fisheries or areas including, but not limited to, those areas where fish stocks are overexploited or in a depleted condition;

40. *Urges* States to eliminate subsidies that contribute to fishing overcapacity, while completing the efforts undertaken at the World Trade Organization to clarify and improve its disciplines on fisheries subsidies, taking into account the importance of this sector to developing countries;

41. *Notes with satisfaction* that information about more than 5,500 fishing vessels authorized to fish on the high seas has been provided to the Food and Agriculture Organization of the United Nations by at least 17 flag States and entered on the High Seas Vessels Authorization Record established by the Organization in accordance with article VI of the Compliance Agreement and urges those States and other entities referred to in article X, paragraph 1, of the Compliance Agreement that have become parties to it to establish a record of fishing vessels authorized to fish on the high seas and, pursuant to articles IV and VI thereof, to make such a record available to the Organization as a matter of priority, and promptly to notify the Organization of any modifications to such a record;

42. *Calls upon* all States to assist this work of the Food and Agriculture Organization of the United Nations, and to take measures to halt the increase of large-scale fishing vessels in accordance with the International Plan of Action for the Management of Fishing Capacity;

43. *Welcomes* the significant outcomes of the Technical Consultation to Review Progress and Promote the Full Implementation of the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing and the International Plan of Action for the Management of Fishing Capacity of the Food and Agriculture Organization of the United Nations, held from 24 to 29 June 2004, which recommended specific actions to the Committee on Fisheries of the Food and Agriculture Organization of the United Nations, and other relevant regional and subregional fisheries management organizations and arrangements with regard to illegal, unreported and unregulated fishing and fishing overcapacity and also suggested measures to be taken by States and fishing entities regarding expanding fishing capacity by certain fishing operations in the Central and Western Pacific Ocean;

VI
Large-scale pelagic drift-net fishing

44. *Reaffirms* the importance it attaches to continued compliance with its resolution 46/215 and other subsequent resolutions on large-scale pelagic drift-net fishing, and urges States and entities referred to in the Convention and in article 1, paragraph 2 (*b*), of the Agreement to enforce fully the measures recommended in those resolutions;

VII
Fisheries by-catch and discards

45. *Urges* States, relevant international organizations and regional and subregional fisheries management organizations and arrangements that have not done so to take action to reduce or eliminate by-catch, catch by lost or abandoned

gear, fish discards and post-harvest losses, including juvenile fish, consistent with international law and relevant international instruments, including the Code, and in particular to consider measures including, as appropriate, technical measures related to fish size, mesh size or gear, discards, closed seasons and areas and zones reserved for selected fisheries, particularly artisanal fisheries, the establishment of mechanisms for communicating information on areas of high concentration of juvenile fish, taking into account the importance of ensuring confidentiality of such information, and support for studies and research that will reduce or eliminate by-catch of juvenile fish;

46. *Encourages* States and entities referred to in the Convention and in article 1, paragraph 2 (*b*), of the Agreement to give due consideration to participation, as appropriate, in regional and subregional organizations with mandates to conserve non-target species taken incidentally in fishing operations, and notes in particular the Inter-American Convention for the Protection and Conservation of Sea Turtles and Their Habitats, regional sea turtle conservation instruments in the West African, the wider Caribbean, and the Indian Ocean/South-East Asia regions, the work of the Southeast Asian Fisheries Development Centre on turtle conservation and management, the Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas,[10] and the Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and Contiguous Atlantic Area in this regard;

47. *Notes with satisfaction* the entry into force on 1 February 2004 of the Agreement for the Conservation of Albatrosses and Petrels under the Convention on the Conservation of Migratory Species of Wild Animals and encourages relevant States which have not already done so to become parties to that Agreement in accordance with its terms;

48. *Also notes with satisfaction* the activities of the Food and Agriculture Organization of the United Nations, in cooperation with relevant United Nations agencies and programmes, in particular the United Nations Environment Programme and the Global Environment Facility, aimed at promoting the reduction of by-catch and discards in fisheries activities;

49. *Notes* the Technical Consultation on Sea Turtle Conservation and Fisheries to be organized by the Food and Agriculture Organization of the United Nations from 29 November to 2 December 2004, and encourages States to participate actively in this work;

VIII
Subregional and regional cooperation

50. *Urges* coastal States and States fishing on the high seas, in accordance with the Convention and the Agreement, to pursue cooperation in relation to straddling fish stocks and highly migratory fish stocks, either directly or through appropriate subregional or regional fisheries management organizations or arrangements, to ensure the effective conservation and management of such stocks;

51. *Encourages* States fishing for straddling fish stocks and highly migratory fish stocks on the high seas, and relevant coastal States, where a subregional or regional fisheries management organization or arrangement has the competence to

[10] United Nations, *Treaty Series*, vol. 1772, No. 30865.

establish conservation and management measures for such stocks, to give effect to their duty to cooperate by becoming members of such an organization or participants in such an arrangement, or by agreeing to apply the conservation and management measures established by such an organization or arrangement;

52. *Invites*, in this regard, subregional and regional fisheries management organizations and arrangements to ensure that all States having a real interest in the fisheries concerned may become members of such organizations or participants in such arrangements, in accordance with the Convention and the Agreement;

53. *Encourages* relevant coastal States and States fishing on the high seas for a straddling fish stock or a highly migratory fish stock, where there is no subregional or regional fisheries management organization or arrangement to establish conservation and management measures for such stock, to cooperate to establish such an organization or enter into another appropriate arrangement to ensure the conservation and management of such stocks, and to participate in the work of the organization or arrangement;

54. *Welcomes* the initiation of negotiations and ongoing preparatory work to establish regional and subregional fisheries management organizations or arrangements in several fisheries, and urges participants in those negotiations to apply provisions of the Convention and the Agreement to their work;

55. *Notes with satisfaction* in this regard the recent recommendation of the Western Central Atlantic Fisheries Commission that established an intersessional working group tasked to study the feasibility of strengthening regional fisheries management in that region, encourages relevant States and organizations to work actively to fulfil the recommendation, and notes the important contribution of the Caribbean Regional Fisheries Mechanism to this process;

56. *Encourages* States to develop ocean policies and mechanisms on integrated management, including at the subregional and regional levels, and also including assistance to developing States in accomplishing these objectives, as well as by promoting improved cooperation between regional fisheries management organizations and other regional entities, such as the United Nations Environment Programme regional seas programmes and conventions;

57. *Encourages* subregional or regional fisheries management organizations or arrangements and States and entities referred to in the Convention and in article 1, paragraph 2 (*b*), of the Agreement that are members of or participate in such organizations or arrangements, to consider adopting, where appropriate and in accordance with international law, conservation and management measures for fish stocks that fall within the competence of such organizations and or arrangements but are not yet managed by them, in particular for those stocks that have vulnerable life histories, scientific data indicate are in decline and/or are subject to an international plan of action of the Food and Agriculture Organization of the United Nations;

IX
Responsible fisheries in the marine ecosystem

58. *Encourages* States to apply by 2010 the ecosystem approach, notes the Reykjavik Declaration on Responsible Fisheries in the Marine Ecosystem[11] and

[11] E/CN.17/2002/PC.2/3, annex.

Decision VII/11[12] and other relevant decisions of the Conference of the Parties to the Convention on Biological Diversity, notes the work of the Food and Agriculture Organization of the United Nations related to guidelines for the implementation of the ecosystem approach to fisheries management, and also notes the importance to this approach of relevant provisions of the Agreement and the Code;

59. *Also encourages* States to increase scientific research in accordance with international law on the marine ecosystem;

60. *Calls upon* States, the Food and Agricultural Organization of the United Nations, the International Maritime Organization, the United Nations Environment Programme, in particular its Regional Seas programme, regional and subregional fisheries management organizations and arrangements and other appropriate intergovernmental organizations that have not yet done so to take action to address the issue of lost or abandoned fishing gear and related marine debris, including through the collection of data on gear loss, economic costs to fisheries and other sectors, and the impact on marine ecosystems;

61. *Requests* the Secretary-General, in his next report concerning fisheries, to include information on the actions taken by the Food and Agriculture Organization of the United Nations, the United Nations Environment Programme, in particular its Regional Seas programme, the International Maritime Organization, regional and subregional fisheries management organizations and arrangements, and other appropriate intergovernmental organizations to give effect to paragraph 60 above;

62. *Urges* States to ratify and implement relevant international agreements, including annex V to the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto;

63. *Calls upon* States, where relevant, to establish systems for retrieving lost gear and nets;

64. *Notes* that 2005 will mark the ten-year anniversary of the adoption of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities,[13] and urges all States to implement the Global Programme of Action and to accelerate activity to safeguard the marine ecosystem, including fish stocks, against pollution and physical degradation;

65. *Calls upon* States, the Food and Agriculture Organization of the United Nations and other specialized agencies of the United Nations, subregional and regional fisheries management organizations and arrangements, where appropriate, and other appropriate intergovernmental bodies, to cooperate in achieving sustainable aquaculture, including through information exchange, developing equivalent standards on such issues as aquatic animal health and human health and safety concerns, assessing the potential positive and negative impacts of aquaculture, including socio-economics, on the marine and coastal environment, including biodiversity, and adopting relevant methods and techniques to minimize and mitigate adverse effects;

66. *Calls upon* States, either by themselves or through regional fisheries management organizations or arrangements, where these are competent to do so, to

[12] See UNEP/CBD/COP/7/21, annex.

[13] A/51/116, annex II.

take action urgently, and consider on a case-by-case basis and on a scientific basis, including the application of the precautionary approach, the interim prohibition of destructive fishing practices, including bottom trawling, which has adverse impacts on vulnerable marine ecosystems, including seamounts, hydrothermal vents and cold-water corals located beyond national jurisdiction, until such time as appropriate conservation and management measures have been adopted in accordance with international law;

67. *Calls upon* regional fisheries management organizations or arrangements with the competence to regulate bottom fisheries to urgently adopt, in their regulatory areas, appropriate conservation and management measures, in accordance with international law, to address the impact of destructive fishing practices, including bottom trawling, which has adverse impacts on vulnerable marine ecosystems, and to ensure compliance with such measures;

68. *Calls upon* members of regional fisheries management organizations or arrangements without the competence to regulate bottom fisheries and the impacts of fishing on vulnerable marine ecosystems to expand the competence, where appropriate, of their organizations or arrangements in this regard;

69. *Calls upon* States urgently to cooperate in the establishment of new regional fisheries management organizations or arrangements, where necessary and appropriate, with the competence to regulate bottom fisheries and the impacts of fishing on vulnerable marine ecosystems in areas where no such relevant organization or arrangement exists;

70. *Requests* the Secretary-General, in cooperation with the Food and Agriculture Organization of the United Nations, to include in his next report concerning fisheries, a section on the actions taken by States and regional fisheries management organizations and arrangements to give effect to paragraphs 66 to 69 above in order to facilitate discussion of the matters covered in those paragraphs;

71. *Agrees* to review within two years progress on action taken in response to the requests made in paragraphs 66 to 69 above with a view to further recommendations, where necessary, in areas where arrangements are inadequate;

72. *Calls upon* States, the Food and Agriculture Organization of the United Nations and subregional or regional fisheries management organizations and arrangements to implement fully the International Plan of Action for the Conservation and Management of Sharks as a matter of priority, inter alia, by conducting assessments of shark stocks and developing and implementing national plans of action, recognizing the need of some States, in particular developing States, for assistance in this regard;

73. *Urges* States, including those working through subregional or regional fisheries management organizations and arrangements in implementing the International Plan of Action for the Conservation and Management of Sharks, to collect scientific data regarding shark catches and to consider adopting conservation and management measures, particularly where shark catches from directed and non-directed fisheries have a significant impact on vulnerable or threatened shark stocks, in order to ensure the conservation and management of sharks and their long-term sustainable use, including by banning directed shark fisheries conducted solely for the purpose of harvesting shark fins and by taking measures for other fisheries to

minimize waste and discards from shark catches, and to encourage the full use of dead sharks;

74. *Requests* the Food and Agriculture Organization of the United Nations to develop programmes to assist States, including developing States, in carrying out the tasks mentioned in paragraph 73 above, in particular the adoption of appropriate conservation and management measures, including the banning of directed shark fisheries conducted solely for the purpose of harvesting shark fins;

75. *Reaffirms* the requests contained in paragraph 50 of its resolution 58/14, and invites the Food and Agriculture Organization of the United Nations to report to the Secretary-General, for inclusion in his report on sustainable fisheries, on progress regarding the preparation of the study mentioned therein, as well as the programmes mentioned in paragraph 74 above, and to consider at the sixty-second session of the General Assembly whether additional action is required;

X
Capacity-building

76. *Reiterates* the crucial importance of cooperation by States directly or, as appropriate, through the relevant regional and subregional organizations, and by other international organizations, including the Food and Agriculture Organization of the United Nations through its FishCODE programme, including through financial and/or technical assistance, in accordance with the Agreement, the Compliance Agreement, the Code and the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing and the International Plan of Action for the Conservation and Management of Sharks, to increase the capacity of developing States to achieve the goals and implement the actions called for in the present resolution;

77. *Invites* States and relevant intergovernmental organizations to develop projects, programmes and partnerships with relevant stakeholders and mobilize resources for the effective implementation of the outcome of the African Process for the Protection and Development of the Marine and Coastal Environment, and to consider the inclusion of fisheries components in this work;

78. *Also invites* States and relevant intergovernmental organizations to further implement sustainable fisheries management and improve financial returns from fisheries by supporting and strengthening relevant regional fisheries management organizations, as appropriate, such as the Caribbean Regional Fisheries Mechanism and such agreements as the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific;

XI
Cooperation within the United Nations system

79. *Requests* the relevant parts of the United Nations system, international financial institutions and donor agencies to support increased enforcement and compliance capabilities for regional fisheries management organizations and their member States;

80. *Invites* the Food and Agriculture Organization of the United Nations to continue its cooperative arrangements with United Nations agencies on the implementation of the international plans of action and to report to the Secretary-

General, for inclusion in his annual report on sustainable fisheries, on priorities for cooperation and coordination in this work;

81. *Also invites* the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs of the Secretariat, the Food and Agriculture Organization of the United Nations and other relevant bodies of the United Nations system to consult and cooperate in the preparation of questionnaires designed to collect information on sustainable fisheries in order to avoid duplication;

XII
Sixtieth session of the General Assembly

82. *Requests* the Secretary-General to bring the present resolution to the attention of all members of the international community, relevant intergovernmental organizations, the organizations and bodies of the United Nations system, regional and subregional fisheries management organizations and relevant non-governmental organizations, and to invite them to provide the Secretary-General with information relevant to the implementation of the present resolution;

83. *Also requests* the Secretary-General to submit to the General Assembly at its sixtieth session a report on "Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments", taking into account information provided by States, relevant specialized agencies, in particular the Food and Agriculture Organization of the United Nations, and other appropriate organs, organizations and programmes of the United Nations system, regional and subregional organizations and arrangements for the conservation and management of straddling fish stocks and highly migratory fish stocks, as well as other relevant intergovernmental bodies and non-governmental organizations, and consisting, inter alia, of elements provided in relevant paragraphs in the present resolution;

84. *Decides* to include in the provisional agenda of its sixtieth session, under the item entitled "Oceans and the law of the sea", a sub-item entitled "Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments".

United Nations A/59/L.23/Add.1

General Assembly

Distr.: Limited
17 November 2004

Original: English

Fifty-ninth session
Agenda item 49 (b)
Oceans and the law of the sea: sustainable fisheries, including through the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments

Austria, Brazil, Canada, Cyprus, Denmark, Fiji, Finland, Iceland, Ireland, Malta, Marshall Islands, Monaco, Namibia, Netherlands, New Zealand, Norway, Portugal, Sweden, Tonga, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments

Addendum

Add the following countries to the list of sponsors of the draft resolution:

Australia, Belgium, Belize, Cameroon, Germany, Greece, Italy, Micronesia (Federated States of), Nauru, Nicaragua, Papua New Guinea, Poland, Saint Lucia, Samoa, Sierra Leone, Spain and Ukraine

04-61307 (E) 171104

United Nations A/59/L.24

General Assembly

Distr.: Limited
5 November 2004

Original: English

Fifty-ninth session
Agenda item 39 (c)
Strengthening of the coordination of humanitarian and disaster relief assistance of the United Nations, including special economic assistance: assistance to the Palestinian people

Austria, Belgium, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Monaco, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, Turkey and United Kingdom of Great Britain and Northern Ireland: draft resolution

Assistance to the Palestinian people

The General Assembly,

Recalling its resolution 58/113 of 17 December 2003, as well as previous resolutions on the question,

Recalling also the signing of the Declaration of Principles on Interim Self-Government Arrangements in Washington, D.C., on 13 September 1993, by the Government of the State of Israel and the Palestine Liberation Organization, the representative of the Palestinian people,[1] and the subsequent implementation agreements concluded by the two sides,

Gravely concerned at the deterioration in the living conditions of the Palestinian people throughout the occupied territory, which constitutes a mounting humanitarian crisis,

Conscious of the urgent need for improvement in the economic and social infrastructure of the occupied territory,

Aware that development is difficult under occupation and is best promoted in circumstances of peace and stability,

Noting the great economic and social challenges facing the Palestinian people and their leadership,

[1] A/48/486-S/26560, annex.

04-59496 (E) 081104

Conscious of the urgent necessity for international assistance to the Palestinian people, taking into account the Palestinian priorities,

Welcoming the results of the Conference to Support Middle East Peace, convened in Washington, D.C., on 1 October 1993, the establishment of the Ad Hoc Liaison Committee and the work being done by the World Bank as its secretariat and the establishment of the Consultative Group, as well as all follow-up meetings and international mechanisms established to provide assistance to the Palestinian people,

Welcoming also the work of the Joint Liaison Committee, which provides a forum in which economic policy and practical matters related to donor assistance are discussed with the Palestinian Authority,

Stressing the continued importance of the work of the Ad Hoc Liaison Committee in the coordination of assistance to the Palestinian people,

Noting the upcoming meeting of the Ad Hoc Liaison Committee, to review the state of the Palestinian economy,

Stressing the need for the full engagement of the United Nations in the process of building Palestinian institutions and in providing broad assistance to the Palestinian people, and welcoming in this regard the support provided to the Palestinian Authority by the Task Force on Palestinian Reform, established by the Quartet in 2002,

Noting, in this regard, the active participation of the United Nations Special Coordinator for the Middle East Peace Process and Personal Representative of the Secretary-General to the Palestine Liberation Organization and the Palestinian Authority in the activities of the Special Envoys of the Quartet,

Welcoming the endorsement by the Security Council, in its resolution 1515 (2003) of 19 November 2003, of the performance-based road map to a permanent two-State solution to the Israeli-Palestinian conflict,[2] and stressing the need for its implementation and compliance with its provisions,

Having considered the report of the Secretary-General,[3]

Expressing grave concern at the continuation of the recent tragic and violent events that have led to many deaths and injuries,

1. *Takes note* of the report of the Secretary-General;

2. *Expresses its appreciation* to the Secretary-General for his rapid response and efforts regarding assistance to the Palestinian people;

3. *Also expresses its appreciation* to the Member States, United Nations bodies and intergovernmental, regional and non-governmental organizations that have provided and continue to provide assistance to the Palestinian people;

4. *Stresses* the importance of the work of the United Nations Special Coordinator for the Middle East Peace Process and Personal Representative of the Secretary-General to the Palestine Liberation Organization and the Palestinian Authority and of the steps taken under the auspices of the Secretary-General to

[2] S/2003/529, annex.
[3] A/59/121-E/2004/88.

ensure the achievement of a coordinated mechanism for United Nations activities throughout the occupied territories;

5. *Urges* Member States, international financial institutions of the United Nations system, intergovernmental and non-governmental organizations and regional and interregional organizations to extend, as rapidly and as generously as possible, economic and social assistance to the Palestinian people, in close cooperation with the Palestine Liberation Organization and through official Palestinian institutions;

6. *Calls upon* relevant organizations and agencies of the United Nations system to intensify their assistance in response to the urgent needs of the Palestinian people in accordance with Palestinian priorities set forth by the Palestinian Authority;

7. *Urges* Member States to open their markets to exports of Palestinian products on the most favourable terms, consistent with appropriate trading rules, and to implement fully existing trade and cooperation agreements;

8. *Calls upon* the international donor community to expedite the delivery of pledged assistance to the Palestinian people to meet their urgent needs;

9. *Stresses*, in this context, the importance of ensuring the free passage of aid to the Palestinian people and the free movement of persons and goods;

10. *Urges* the international donor community, United Nations agencies and organizations and non-governmental organizations to extend as rapidly as possible emergency economic and humanitarian assistance to the Palestinian people to counter the impact of the current crisis;

11. *Stresses* the need to implement the Paris Protocol on Economic Relations of 29 April 1994, fifth annex to the Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip, signed in Washington, D.C., on 28 September 1995,[4] in particular with regard to the full and prompt clearance of Palestinian indirect tax revenues, and welcomes the progress made in this regard;

12. *Suggests* the convening in 2005 of a United Nations-sponsored seminar on assistance to the Palestinian people;

13. *Requests* the Secretary-General to submit a report to the General Assembly at its sixtieth session, through the Economic and Social Council, on the implementation of the present resolution, containing:

(a) An assessment of the assistance actually received by the Palestinian people;

(b) An assessment of the needs still unmet and specific proposals for responding effectively to them;

14. *Decides* to include in the provisional agenda of its sixtieth session the sub-item entitled "Assistance to the Palestinian people".

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[4] A/51/889-S/1997/357, annex.

United Nations A/59/L.25

General Assembly

Distr.: Limited
9 November 2004

Original: English

Fifty-ninth session
Agenda item 56 (e)
Cooperation between the United Nations and regional and other organizations: cooperation between the United Nations and the Caribbean Community

Antigua and Barbuda, Bahamas, Barbados, Belize, Dominica, Guyana, Haiti, Jamaica, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname and Trinidad and Tobago: draft resolution

Cooperation between the United Nations and the Caribbean Community

The General Assembly,

Recalling its resolutions 46/8 of 16 October 1991, 49/141 of 20 December 1994, 51/16 of 11 November 1996, 53/17 of 29 October 1998, 55/17 of 7 November 2000 and 57/41 of 21 November 2002,

Bearing in mind the provisions of Chapter VIII of the Charter of the United Nations on the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action and other activities consistent with the purposes and principles of the United Nations,

Bearing in mind also the assistance given by the United Nations towards the maintenance of peace and security in the Caribbean region,

Recalling the signing, on 27 May 1997, by the Secretary-General of the United Nations and the Secretary-General of the Caribbean Community of a cooperation agreement between the secretariats of the two organizations,

Noting with satisfaction that the third general meeting between representatives of the Caribbean Community and its associated institutions and of the United Nations system was held in New York on 12 and 13 April 2004,

Bearing in mind that, in its resolutions 54/225 of 22 December 1999, 55/203 of 20 December 2000 and 57/261 of 20 December 2002, it recognized the importance of adopting an integrated management approach to the Caribbean Sea area in the context of sustainable development,

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Bearing in mind also that in the United Nations Millennium Declaration, adopted by resolution 55/2 of 8 September 2000, heads of State and Government resolved to address the special needs of small island developing States by implementing the Barbados Programme of Action[1] and the outcome of the twenty-second special session of the General Assembly[2] rapidly and in full,

Noting that the World Summit for Sustainable Development, held in Johannesburg, South Africa, from 26 August to 4 September 2002, considered the specific issues and problems facing small island developing States, and noting that a special meeting to review the implementation of the Barbados Programme of Action, will be convened in Mauritius in January 2005,

Noting also that the Declaration of Commitment on HIV/AIDS adopted by the Assembly in resolution S-26/2 of 27 June 2001 recognized the Caribbean region as having the second highest rate of infection after sub-Saharan Africa and that the region therefore needs special attention and assistance from the international community,

Noting further that the Caribbean region has been hard hit and in some cases devastated by hurricanes in 2004, and concerned that their frequency, intensity and destructive power, caused largely by climate change and climate variability, are likely to increase over time,

Affirming the need to strengthen the cooperation that already exists between entities of the United Nations system and the Caribbean Community in the areas of economic and social development as well as the areas of political and humanitarian affairs,

Convinced of the need for the coordinated utilization of available resources to promote the common objectives of the two organizations,

Having considered the report of the Secretary-General on cooperation between the United Nations and regional and other organizations,[3]

1. *Takes note* of the report of the Secretary-General on cooperation between the United Nations and regional and other organizations,[3] particularly section IV on the Caribbean Community, as well as efforts to strengthen that cooperation;

2. *Calls upon* the Secretary-General of the United Nations, in association with the Secretary-General of the Caribbean Community, as well as the relevant regional organizations, to continue to assist in furthering the development and maintenance of peace and security within the Caribbean region;

3. *Invites* the Secretary-General to continue to promote and expand cooperation and coordination between the Untied Nations and the Caribbean Community in order to increase the capacity of the two organizations to attain their objectives;

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[1] Programme of Action for Sustainable Development of Small Island Developing States (*Report of the Global Conference on the Sustainable Development of Small Island Developing States, Bridgetown, Barbados, 25 April-6 May 1994* (United Nations publication, Sales No. E.94.I.18 and corrigenda), chap. I, resolution 1, annex II).

[2] See resolution S-22/2.

[3] A/59/303.

4. *Urges* the specialized agencies and other organizations and programmes of the United Nations system to cooperate with the Secretary-General of the United Nations and the Secretary-General of the Caribbean Community in order to initiate, maintain and increase consultations and programmes with the Caribbean Community and its associated institutions in the attainment of their objectives, with special attention to the areas and issues identified at the third general meeting, as set out in the report of the Secretary-General, as well as in resolutions 54/225, 55/203, 55/2 and S-26/2 and the decision of the World Summit on Sustainable Development on the sustainable development of small island developing States;[4]

5. *Invites* the organizations of the United Nations system as well as Member States to increase financial and other assistance to the countries of the Caribbean Community to help implement the priorities of the Caribbean Regional Strategic Plan of Action, which sets out realistic targets for reducing the rate of new infections, raising the quality and coverage of care, treatment and support and building institutional capacity, and to cope with the problems and the burden caused by the HIV/AIDS pandemic;

6. *Invites* the Secretary-General to consider utilizing a strategic programming framework modality to strengthen the coordination and cooperation between the two secretariats as well as between the United Nations field offices and the Caribbean Community;

7. *Calls* on the United Nations, the specialized agencies and other organizations and programmes of the United Nations system to assist the countries of the Caribbean, in particular those in greatest need such as Grenada and Haiti, in their rebuilding efforts after the hurricane damage of 2004;

8. *Welcomes* the initiatives of Member States in assisting in the cooperation between the United Nations and the Caribbean Community, and encourages their continuing efforts;

9. *Recommends* that the fourth general meeting between representatives of the Caribbean Community and its associated institutions and of the United Nations system be held in the Caribbean in early 2006 in order to review and appraise progress in the implementation of the agreed areas and issues and to hold consultations on such additional measures and procedures as may be required to facilitate and strengthen cooperation between the two organizations;

10. *Requests* the Secretary-General to submit to the General Assembly at its sixty-first session a report on the implementation of the present resolution;

11. *Decides* to include in the provisional agenda of its sixty-first session the sub-item entitled "Cooperation between the United Nations and the Caribbean Community".

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[4] See *Report of the World Summit on Sustainable Development, Johannesburg, South Africa, 26 August-4 September 2002* (United Nations publication, Sales No. E.03.II.A.1 and corrigendum), chap. I, resolution 2.